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TRANSCRIPT OF PROCEEDINGS

MONTANA CONSTITUTIONAL CONVENTION

March 17, 1972

to

March 19, 1972

Vol. XI

Convention Hall

State Capitol

Helena, Montana

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MONTANA CONSTITUTIONAL CONVENTION

FORTY-EIGHTH DAY

Friday, March 17, 1972 — Convention Hall

9:10 o'clock, A.M. — Helena, Montana

PRESIDENT GRAYBILL: The Convention will be in order. Sure and begorra, it's time to start the Convention again. If you'll all stand, Delegate O'Scanlin will give us the Invocation.

(Laughter)

DELEGATE SCANLIN: It is my privilege to have with me this morning the folks with whom I've been staying while in Helena, and Marge Fowler will sing for us the Lord's Prayer. Let us be in the spirit of prayer.

(Miss Fowler sang the Lord's Prayer.)

PRESIDENT GRAYBILL: Thank you very much for that very lovely song. Very well, we'll take attendance today by voting Aye on the voting machines.

CLERK HANSON: Mr. President, may Delegates Warden, Harlow and Holland be excused, please?

PRESIDENT GRAYBILL: Very well.

CLERK HANSON: Delegate Berg, Delegate Brown, Delegate Cain, Delegate Drum, Delegate Etchart, Delegate James.

PRESIDENT GRAYBILL: List the absences again.

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CLERK HANSON: Delegate Brown, Delegate Drum. Kelleher is voting No.

PRESIDENT GRAYBILL: Very well, take the ballot. He's here.

Aasheim	-	Present	Cain	-	Present
Anderson, J.	-	Present	Campbell	-	Present
Anderson, O.	-	Present	Cate	-	Present
Arbanas	-	Present	Champoux	-	Present
Arness	-	Present	Choate	-	Present
Aronow	-	Present	Conover	-	Present
Artz	-	Present	Cross	-	Present
Ask	-	Present	Dahood	-	Present
Babcock	-	Present	Davis	-	Present
Barnard	-	Present	Delaney	-	Present
Bates	-	Present	Driscoll	-	Present
Belcher	-	Present	Drum	-	Absent
Berg	-	Present	Eck	-	Present
Berthelson	-	Present	Erdmann	-	Present
Blaylock	-	Present	Eskildsen	-	Present
Blend	-	Present	Etchart	-	Present
Bowman	-	Present	Felt	-	Present
Brazier	-	Present	Foster	-	Present
Brown	-	Absent	Furlong	-	Present
Bugbee	-	Present	Garlington	-	Present
Burkhardt	-	Present	Gysler	-	Present

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Habedank	-	Present	Melvin	-	Present
Hanson, R. S.	-	Present	Monroe	-	Present
Hanson, R.	-	Present	Murray	-	Present
Harbaugh	-	Present	Noble	-	Present
Harlow	-	Excused	Nutting	-	Present
Harper	-	Present	Payne	-	Present
Harrington	-	Present	Pemberton	-	Present
Heliker	-	Present	Rebal	-	Present
Holland	-	Excused	Reichert	-	Present
Jacobsen	-	Present	Robinson	-	Present
James	-	Present	Roeder	-	Present
Johnson	-	Present	Rollins	-	Present
Joyce	-	Present	Romney	-	Present
Kamhoot	-	Present	Rygg	-	Present
Kelleher	-	Present	Scanlin	-	Present
Leuthold	-	Present	Schiltz	-	Present
Loendorf	-	Present	Siderius	-	Present
Lorello	-	Present	Simon	-	Present
Mahoney	-	Present	Skari	-	Present
Mansfield	-	Present	Sparks	-	Present
Martin	-	Present	Speer	-	Present
McCarvel	-	Present	Studer	-	Present
McDonough	-	Present	Sullivan	-	Present
McKeon	-	Present	Swanberg	-	Present
McNeil	-	Present	Toole	-	Present

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Van Buskirk	-	Present	Warden	-	Excused
Vermillion	-	Present	Wilson	-	Present
Wagner	-	Present	Woodmansey	-	Present
Ward	-	Present	Mr. Chairman	-	Present

CLERK HANSON: Mr. President, ninety-five Delegates present, three excused and two absent.

PRESIDENT GRAYBILL: Very well, Order of Business Number One, Reports of Standing Committees.

CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Two, Reports of Select Committees.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Three, Communications.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Four, Introduction.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Five, Final Consideration.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Six, Adoption.

CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: All right, Order of Business

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Number Seven, Motions and Resolutions, the Chair would like to announce that the Rules Committee met and will meet again on Mr. Johnson's resolution and it is my understanding that it will be out tomorrow morning. Are there other motions or resolutions?

CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Eight, Unfinished Business. Ladies and Gentlemen, today is the day I report again on the budget and I will do that, but I'm not prepared to do it yet. I'm still working on it but I will do it before the day is finished, as far as I know. So, if we'll pass order of business number eight. Order of Business Number Nine, Special Orders.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Without objection, the Chair would pass for a moment to Order of Business Number Eleven to make a couple of announcements that will help you plan your schedules. On adjournment this morning -- on recess this morning, that is at eleven forty-five, eleven thirty, whenever we get through, or twelve, I'd like to have a meeting of the committee chairmen -- the committee chairman -- and I think probably we ought to have that -- is the legislative room upstairs available? Let's have it up in the legislative committee room. And then, on adjournment tonight, whenever that is, I'd like the voter education committee -- that's the new committee

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we appointed yesterday -- the voter education committee to meet on adjournment tonight. And, Mrs. Babcock informs me that she is prepared to show the slide presentation to any Delegates that are interested, about noon, but she can do that shortly after adjournment, whenever that may be this morning. Very well, we'll go back on Order of Business Number Ten. May I make also a couple of observations there. We'll finish up Local Government this morning, and when we finish that, if we finished it this morning, we will also consider Style and Drafting's proposal number thirteen on the ordinances, if you want to be prepared on that. If it's all right with everyone, we will pass Education until after lunch, but presuming we might finish local business this morning, we will take up Education on Style and Drafting after lunch and in a moment you are going to get -- oh, I guess you've already gotten Public Health on your desks. If we finish Education this morning, it would be the Chair's intention to move to suspend the rules, the forty-eight hour rule, to consider Public Health this afternoon on Style and Drafting. If we can get these Style and Drafting reports out of the way today, it will make quite a difference to the Style and Drafting Committee's ability to handle the Constitution on the typewriters. So, the plan is to handle local government this morning and the ordinances this morning, and then recess this morning for these committee meetings.

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Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, I move the Convention resolve itself into Committee of the Whole for the purpose of handling business under General Orders.

PRESIDENT GRAYBILL: The motion is to resolve ourselves into Committee of the Whole. All in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: So ordered.

(Convention resolved into Committee of the Whole, Mr. Graybill in Chair.)

CHAIRMAN GRAYBILL: Mr. Clerk.

CLERK HANSON: (Reading) Style and Drafting Committee proposal number ten, Education, having been duplicated and placed on the Delegates' desks on the fifteenth day of March, 1972, at twelve o'clock noon, will, at twelve o'clock noon this day be in compliance with Rule Twenty-Three of the Montana Constitutional Convention rules. March 17, 1972: The following committee proposals are now on general orders: Local Government, General Government, Style and Drafting ten, Education; Style and Drafting number nine, Public Health; Style and Drafting proposal number thirteen. (End reading)

Mr. Chairman.

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CHAIRMAN GRAYBILL: Very well, we're ready to go to Local Government and the Chair, recognizing when he has a good thing, is going to have Marshall Murray finish that one up. We're doing very well on that and I'm very pleased, so Mr. Murray, will you take the Chair?

(Delegate Marshall Murray assumed chairmanship of the Committee of the Whole.)

CHAIRMAN MURRAY: My records indicate that the committee finished the first eight sections last evening. We should start with section nine. The Clerk will read section nine.

CLERK HANSON: (Reading) Section nine, Initiative and Referendum. The initiative and referendum powers reserved to the people by the Constitution shall be extended by law to the qualified voters of each local government unit. (End reading) Mr. Chairman, section nine.

CHAIRMAN MURRAY: Mr. Simon.

DELEGATE SIMON: Mr. Chairman, fellow Delegates, I move that when this committee does arise and report, after having under consideration section nine of proposal eleven, it recommends that the same be adopted. Thank you, Mr. Chairman.

CHAIRMAN MURRAY: Mr. Simon.

DELEGATE SIMON: Mr. Chairman, the local government article, as we told you yesterday, would like to have one

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single document as near as possible as we can, and with that then, we would like to have the initiative and referendum section include this part. On page thirty, the comments that you have before you: The committee believes it is essential that local residents have the powers of initiative and referendum, particularly in view of the broad self government powers offered in this proposal. This committee also believes that the proper place to assure these people's powers is in the local government article. Specific provisions concerning petition requirements, however, should be left to statutory law where they can be easily reached if change is needed. Now, this initiative and referendum was not dealt with in the General Government article and will be dealt with when the general article comes up. A few other little minor things that we would like to talk about and give you a little emphasis on -- section nine does one thing -- it directs the legislature to extend the initiative and referendum powers to local government units, such as cities, towns and counties. The section itself does not set specific limits under which the initiative and referendum should be enacted locally. These details, such as the number of signers on the initiative petition, are left to statutory law. It is also important to stress that the General Government Committee report does not provide for local initiative referendum. Therefore, this proposed section is not duplicated elsewhere in this Constitution. Initiative and

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referendum are not new in Montana, particularly on the city level. Such provisions are already part of the statutory law for city and town ordinance in the Revised Codes of Montana in 1947. It will be unnecessary to give you all the sections. In addition, certain other county matters, such as debt, must be submitted to the vote for the voters' approval. It is important that section nine of the committee's proposal would assure that this power be provided for people on the local level. It is particular important that it be provided in view of the fact that local government units will be strengthened in terms of power under the committee proposal. The initiative and referendum offer another check on this power and are of such importance that they should receive constitutional guarantee. Thank you, Mr. Chairman.

CHAIRMAN MURRAY: I'll call for discussion of section nine at this time. Any discussion?

(No response)

CHAIRMAN MURRAY: Members of the Committee, the question now arises on the motion of Delegate Simon that when this committee does rise and report, after having had under consideration section nine of committee proposal number eleven on Local Government that the same be adopted. As many as are in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: As many as are opposed, say No.

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DELEGATES: (No audible response)

CHAIRMAN MURRAY: The Ayes have it and so ordered. The Clerk will read section ten.

CLERK HANSON: (Reading) Section ten, Recall: All elected public officials of local government units are subject to recall by the voters of the unit from which elected. Procedures for recall shall be prescribed by law. (End reading) Mr. Chairman, section ten.

CHAIRMAN MURRAY: Mr. Arness.

DELEGATE ARNESS: Mr. Chairman, I move that when this committee does arise and report, after having had under consideration section ten of proposal number eleven, it recommends that the same be adopted.

CHAIRMAN MURRAY: Mr. Arness.

DELEGATE ARNESS: Mr. Chairman, at least thirteen state constitutions provide for recall of all elected officials and I think the gloss which the Delegates have before them contains a listing of that. The possibility of recall of officials on the local level is also nothing new in Montana. The provisions of existing section eleven dash seven twenty-one point one provide for recall of officials at the municipal level. In addition to that, in the event that consolidation occurs, the commissioners of the consolidated units may be recalled under provisions of existing statutes -- let's see, sections eleven thirty-one, thirty-two and the following

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sections provide for that procedure. Under our existing statutory law, however, the county officials themselves are not subject to recall. This provision would provide for the recall of county commissioners, as well as mayors and county commissioners of consolidated counties-cities, such as we presently have. This is not a duplication of the General Government article. The General Government article provides that recall may be had of certain elected state officials; however, it also provides a standard whereby the recall can be effected and provides that twenty-five percent of the -- that a petition must be signed by twenty-five percent of the electors in the area, as determined by the last election for governor. Since some of the local government units in which recall could be effected do not conform to the voting precincts, it would be impossible for a -- or, it would be impossible to determine under the local government -- or the General Government provision, rather -- whether the required number of petitioners had signed a petition so as to recall, for example, a mayor in certain instances. If recall is desired, therefore, it does appear that it is necessary to have a provision for recall in the Local Government article. It's doubtful that county officials could be recalled at the present time. In order to make it possible to recall the commissioners of unconsolidated counties, as well as consolidated counties, and in order to make it possible to recall other county officials as we can

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now recall city officials, it would be necessary to adopt this provision. Thank you, Mr. Chairman.

CHAIRMAN MURRAY: Mr. Kelleher, the Chair has an amendment which you have offered and it treats it as a substitute motion, and I would like to have the Clerk read it at this time.

CLERK HANSON: (Reading) Mr. Chairman, I move as a substitute motion to amend section ten of the Local Government Committee proposal, being page five, lines twenty-four to twenty-seven, by deleting it in its entirety. Signed, Kelleher. (End reading)

Mr. Chairman.

CHAIRMAN MURRAY: Mr. Kelleher.

DELEGATE KELLEHER: Mr. Chairman, would Mr. Arness yield to a question, please?

CHAIRMAN MURRAY: Mr. Arness, will you yield?

DELEGATE ARNESS: Yes.

CHAIRMAN MURRAY: He yields, Mr. Kelleher.

DELEGATE KELLEHER: Franklin, on the bottom of page thirty and the top of page thirty-one of your comments regarding recall, you state that the requirements should be of sufficient severity to eliminate frivolous and repeated recall elections, and you state there that your committee had some concern about this, and I am concerned, too. I wonder how you plan, through the recall, to eliminate frivolous and re-

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peated recall elections, which I understand was once a problem in North Dakota?

DELEGATE ARNESS: I'm not sure that it really was a problem. So far as I know, these recall provisions have -- presently exist in at least thirteen states as a constitutional matter, and there are a number of others where recall is allowed, including Montana at the present time. There has been no frivolous use of our recall provision, so far as I know, and in fact so far as I know it hasn't even been used. In North Dakota, it's true that one of their governors was recalled. I don't know whether it was justified or not, but I assume that it having occurred there was some basis for it. I only know of one instance where there was a recall. The recall has been used relatively infrequently, despite the fact that it's been on the books for a long, long time. According to statistics we had, there are one thousand five hundred and ten cities that answered the survey that have recall provisions available to them, and out of those cities, recall had been used only fifty-nine times over a four year period and it had been successful twenty-five of those fifty-nine times. Under our present law, it takes twenty-five percent of the registered electors, as determined by the vote at the last municipal election, in order to stage a recall and I submit that twenty-five percent is a large number. I don't think that the recall provisions have been abused, and I'm not aware of any instances

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where they have. I don't think that it's true that they were abused in North Dakota. North Dakota still has the recall provision and I notice that the recall provision is retained in the draft of the proposed North Dakota constitution.

CHAIRMAN MURRAY: Mr. Kelleher.

DELEGATE KELLEHER: I still didn't quite get an answer, I don't think, to how we are going to eliminate frivolous and repeated recall elections. Eight states that have the recall provision provide for all of the officials and I realize that we are just talking about local government, but we are going to come up to general government on this matter -- same matter tomorrow. Eight states, the provision applies to all elected officials. In Idaho, Michigan, Louisiana and Washington, they exempt all or some judicial officers, and generally a recall petition may not be filed against an official during the first six months of his term. In Wisconsin it's allowed after the first year. Now, obviously, one of the reasons why they let the office holders stay there for a small -- at least six months or a year, I assume, is to find out whether he's going to be doing his job or what, but I call to the attention of the committee that aldermen are elected every two years and if we did allow recall we would be having elections very often. Now, some of the reasons -- or could have elections if we recalled a man. My principal objection to recall is that it's not done on the merits. I could start a

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recall petition for any reason. In fact, I could go down to West Park Plaza and get people to sign -- get a few thousand signatures on a petition to get rid of an alderman, I think, in two day's time. People will sign petitions without knowing what's on them, and these elections cost an awful lot of money, and I submit -- how would you like it if there was somebody out here in the lobby waving around a recall petition and every time you threatened to vote for or against something that they didn't like, they'd say, well, I'm going to go file this recall and we're going to get you out of here. In fact, could you imagine if somebody -- what this Convention would be like if somebody recalled Kelleher from Yellowstone county?

(Laughter)

DELEGATE KELLEHER: In all --

CHAIRMAN MURRAY: Let's keep a little order in the assembly here. Mr. Kelleher, you may try and proceed.

DELEGATE KELLEHER: In all states, including our state, I call your attention to the fact that we do have impeachment proceedings and if a public officer is convicted of a -- I mean, is charged with a commission of a felony or even a misdemeanor, he can be charged like any other citizen in the courts. Improper conduct by public officials is grounds for removal by judicial, legislative, or sometimes gubernatorial action. If a member of the legislature or city council can be expelled -- in fact, down in Billings, we did expel a city

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council member and his ward immediately re-elected him. Finally, it's a provision for a tool for well organized groups and for political recrimination. I submit, Mr. Chairman, that once a man or woman has been elected, let them do their job and without threat. We've had threats to this Convention and we know how we've all reacted to those threats, and I say the recall is the most vicious threat of all, and it is the weapon of the anarchist. Finally, I see no reason why this matter could not be left to the legislature. It's really not necessary to put in the Constitution for -- eighty percent of the states don't have it in their constitutions. If they want to put it in -- if the legislature wants to put it into the laws, all right, so I move to delete the entire section.

CHAIRMAN MURRAY: Mr. Loendorf.

DELEGATE LOENDORF: Mr. Chairman, I can't miss what might be my only opportunity to support something proposed by Mr. Kelleher.

(Laughter)

DELEGATE LOENDORF: Mr. Chairman, I would support Mr. Kelleher's motion to delete for these reasons. First, I note that it was not very popular with the committee. It passed there by a six to four vote. Secondly, I think it goes against the philosophy espoused by the committee in this particular article, and that philosophy seems to be, let the people of the various local governments choose the type of

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government they want, the officials they want to run that government, and provide for their election or appointment. Requiring recall elections appears to me to be making a choice for them that we are not required to make. Why constitutionalize this? Why not let them make this choice themselves? Regarding the argument in General Government, it seems to me there is a possible conflict between the two articles. The General Government proposed section at this time provides for the recall of all elected officials of the state and its political subdivisions, and then sets forth the procedure. I think that maybe if we do adopt this provision in Local Government, they will have to follow the procedures set forth in the General Government article anyway. However, when we get to that section, I'm at least going to move to amend it at that time. And, regarding the question as to whether we have to have something in the Constitution in order to have recall, I think not. Under the present Constitution, I would agree we would regarding county officials because their term of office is set forth in the Constitution, and I think it would be an attempt to amend the statute, or the Constitution, by statutory law to attempt to shorten that term by a recall provision. But, looking at the General Government article, they leave the term of office to the people to be set by them, the people of that local government unit. Therefore, I think we should allow the people to choose whether they want to shorten

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those terms by recall elections. Thank you, Mr. Chairman.

CHAIRMAN MURRAY: Mr. Arness.

DELEGATE ARNESS: Mr. Chairman, I think the point was probably missed on the difference between this and the Local Government article. The point is, if we adopt the General Government article on recall, that it's not possible to implement it in the case it was to be used for a public official. The General Government article on recall provides a percentage that is to appear on the petition -- and I don't have that article right here, right in front of me. Then it provides the machinery by which the determination is to be made as to whether or not you have a sufficient number of signers, and that determination is made upon the number of votes cast in the preceding gubernatorial election based upon the precinct breakdown. Now, the precinct breakdown is not going to correspond to all the local governmental units that we have, so there may be -- there are a number of situations where it is possible that an elected local government official would not be elected on the -- in an area where it could be determined how many of the people who voted for him had voted also for the governor. There are a number of cities where the precinct lines don't follow exactly the city boundaries. It's also possible, as was pointed out earlier, that at some time a school district may become a local government unit, and, again, the boundaries of a school district are not going to conform to

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the precinct boundaries. In those cases, how do you determine who -- or, how many voters in the area where that local government official is elected did, in fact, vote for the governor at the next preceding election? You can't do it. So, if we're going to have it -- if we're going to have a machinery for recalling these people, and it's up to the Convention of course if they think recall is a good idea or not, but if we are going to have it for these people, then we have to have something that makes it possible to do it. The General Government article would cut off local government officials for the simple reason that it provides the mechanics that do not conform to the realities of the local government situation. So, if you don't want recall on the local government level, fine, but that is the problem. Now, these two articles are in conflict. We can resolve the conflict by making one apply to state offices and one apply to local offices and avoiding it that way, but if we want to make it general, then we have to have some other standard than the one that's set up in the general article. I just want to point that out, that's all. I suppose that it's entirely up to the Convention whether they think like Mr. Kelleher that this will result in anarchy -- I think that's rather an unusual idea of recall -- but if you think that way, that's fine, but we can't have it both ways.

CHAIRMAN MURRAY: Mr. Harper.

DELEGATE HARPER: I think Mr. Arness is right in that

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he implied the issue is whether or not we want it. The Legislative Committee talked about recall quite at length. We tried to put down on one side what the advantages of recall are, and on the other side the disadvantages. It was our rather studied opinion that the disadvantages outweighed the advantages, and the one that is uppermost in my mind is, when you raise the question of what recall will be used for, as Mr. Kelleher pointed out, there are several provisions for removing a person from office if he really is involved in practices that are contrary to the law. If not, then the question becomes whether or not you disagree with his approach or his political philosophy or the way he's voting. Now, we have a recall provision that's called the election, and every couple of years or so, the people elect and there's a chance -- a real honest chance at recall, in a sense, of an elected official if he chooses to run again. He may be defeated. Let's put twenty-five percent -- let's take this into a little district. Twenty-five percent of the voters might be what? Well, we discovered that some societies -- I forget -- there was a Jack Ash society or some name -- it was some tree --

CHAIRMAN MURRAY: You're going to have to speak a little clearer, Mr. Harper.

(Laughter)

DELEGATE HARPER: -- and these people were pushing very much for this. I think they saw this as a way of holding

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a club over the head of an elected representative. It could be that, let's say, a union or any other sizeable segment of people in a particular locality could say as a sort of a club behind the door to any elected official, now, you know, we have more than twenty-five percent of the voters and if you don't go along with our line, then we're going to have you running again, and when we weighed the advantages against the disadvantages, we thought our straight electoral system, with rather brief time spans between elections, with all the safeguards of law that we have put around it already, was perfectly adequate and we didn't want to get into the possibilities of having happen what Idaho had with three legislators recalled from one district because the legislators voted to raise their salaries, and so forth.

CHAIRMAN MURRAY: Mr. Martin.

DELEGATE MARTIN: Mr. Chairman, I just want to put in a disclaimer. Having introduced this recall provision, I certainly am not a member of the Jack Ash committee or society and want no part in it.

(Laughter)

DELEGATE MARTIN: And, I think we in the Convention have a short time and perhaps the best thing to do is to forget about recall.

CHAIRMAN MURRAY: Mrs. Bowman.

DELEGATE BOWMAN: Mr. Chairman, I'd just like to

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point out that the legislature in the last session provided that subsequent aldermanic and mayoral races will be every four years now and not every two, and county commissioners are elected every six years. So, you don't have only a two year span in the case of mayors and aldermen.

CHAIRMAN MURRAY: Mr. Jacobsen.

DELEGATE JACOBSEN: Mr. Chairman and fellow Delegates, there is such a thing, and we have had it at times in my town of Whitefish, where aldermen are elected and they are absent more than our United States senators. An alderman is not any good to any citizen or any precinct unless he attends the meetings and I think the majority report here -- this could be cne way of taking that man or woman out of office just because they are not doing the job that we elected them to do, and I would hope that you would support the majority report.

CHAIRMAN MURRAY: Mr. Romney.

DELEGATE ROMNEY: Mr. Chairman, I support the motion to delete. I have been attending council meetings for almost half a century and the people who are attending the meetings most of the time are the mayor and the aldermen. Unfortunately the public is so apathetic that it normally doesn't attend the council meetings unless it wants something, and as soon as it gets what it wants or has a request turned down, it packs its tent and silently steals away. I think that in more than eighty years of application of the present method of election

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of county and municipal officers, we've got along famously without having a recall provision in the Constitution and I think we can get along until we have another Constitutional Convention twenty years hence, at which time I will take the matter up again and be against it.

(Laughter)

CHAIRMAN MURRAY: Mr. Siderius.

DELEGATE SIDERIUS: Mr. Chairman, I support the motion to delete this because you take, for instance, like a local school board, very few people in that school board could create a large, a big hassle over a little incident that didn't really amount to a damn by trying to recall a delegate -- or a trustee -- and therefore I support the amendment to delete.

CHAIRMAN MURRAY: Mr. Foster.

DELEGATE FOSTER: Mr. Chairman and fellow Delegates, I support the motion to delete. Originally, I felt that the idea of recall was a very good idea for some of the same reasons that the committee has presented here. However, I have thought about this from the beginning of the Convention and it is my opinion that the dangers outweigh the advantages and, in fact, what we are doing is saying that the electorate, once they choose, has a chance to decide again and I think the electorate should be aware of the fact that when they elect a public official, it's an extremely important step and they

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should take their vote very seriously, and they should do everything in their power to define the advantages of the candidate they are voting for, and I think it's a very real possibility that a twenty-five percent minority, if it was well organized, was extremely militant or active, could, in fact, use this minority position as a club over the elected official, and I think the motion to delete is well founded and I support it. Thank you, Mr. Chairman.

CHAIRMAN MURRAY: Mr. Arness.

DELEGATE ARNESS: Mr. Chairman, I would only want to point out to the Delegation, without taking any particular side on this one way or another, that at this point the Convention is facing a problem as far as uniformity of application of recall provisions is concerned. Now, if you strike this recall provision out of the Local Government article, we'll still have section ten in the General Government article to consider. And, if you approve that section, having struck this section out, you have and probably will be creating a situation where you can recall all of the state officers and some of the local officials but not all of the local officials. Now, if that's the situation that you want, that's fine. If you, on the other hand, have determined at this point that you think recall is a bad idea generally and you're going to strike recall out of this provision and out of the General Government article, that's fine and there will be no problems. But, I

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would like to avoid getting into the situation where we get into section ten in General Government and discover that we ought to go back here and reconsider this section in this article that's now before us. I think we should be aware that we will have a problem as far as the uniform application of these provisions when we get to that point. If we want uniformity, then we should approve both of these sections or disapprove both of these sections. If, on the other hand, we want to discriminate against some of our officials and leave them without recall provisions while we can recall others, then, of course, I suppose we can go either way but I think that we should bear that in mind that we've got the possibility of an inconsistency in our situation. We do have an inconsistency now. Mr. Romney mentioned that we had gotten along without recall and I think maybe he meant just in the Constitution -- or maybe he said that -- but we have recall for our municipal officers and for certain of our other local officials since 1911 and that's quite a while, so far as I know, without any abuses. We have definitely had recall for our municipal officers for the last several years. We have existing statutory provisions that provide for recall of these local officials, as Mr. Kelleher mentioned. One of the aldermen in Billings was recalled. We can't recall our county officials at the present time. We can recall our local mayors and councilmen. We've got an apparent anomaly right there in our present local

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government laws. The question is, then, whether we want to continue that or not. It may be the sense of this Convention that we just don't want recall, but we should bear in mind that if we strike this provision out, we probably ought to strike it out of the General Government article as well. Thank you, Mr. Chairman.

CHAIRMAN MURRAY: Mr. Anderson.

DELEGATE OSCAR ANDERSON: I'd like to call the attention to the Delegates -- I have here a book and records are real hard to come by in regard to cities -- but in the western cities in the last four years, there were twenty-two actions for recall, of which eleven were successful. I think this disputes the frivolity of the recall procedure. Now, I would like to also call your attention to our own actions here. We are actually using the recall procedures right here ourselves. I wonder how many times that we have acted to reconsider our own actions right here? I think that this is a fundamental right that the voters should have in their local government areas. We have been very conscious of not denying rights to very, very many groups of people and segments of our society and I think the fact that, if we took this away and there would be no recall rights to the voters, we would be denying them a fundamental right that they should be able to exercise and I oppose the motion to delete.

CHAIRMAN MURRAY: Mr. Kelleher, would you like to

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close because it appears that there is no further debate?

DELEGATE KELLEHER: I just notice that the chairman of that committee voted No on section ten in the roll call on page forty. That's all I have to say, Mr. Chairman.

CHAIRMAN MURRAY: The question now arises -- have you closed?

DELEGATE KELLEHER: I have.

CHAIRMAN MURRAY: You are closed, O.K.

DELEGATE ROMNEY: Roll call.

CHAIRMAN MURRAY: Roll call? O.K., the question now arises on the substitute motion by Mr. Kelleher to delete section ten. As many as are in favor of the motion, vote green, I guess --

(Laughter)

CHAIRMAN MURRAY: -- and those opposed, vote Red. Has every Delegate voted?

(No response)

CHAIRMAN MURRAY: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN MURRAY: The vote will now be closed.

Aasheim	-	Aye	Arness	-	Nay
Anderson, J.	-	Nay	Aronow	-	Nay
Anderson, O.	-	Nay	Artz	-	Aye
Arbanas	-	Nay	Ask	-	Nay

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1	Babcock	-	Aye	Eck	-	Nay
2	Barnard	-	Aye	Erdmann	-	Nay
3	Bates	-	Aye	Eskildsen	-	Aye
4	Belcher	-	Nay	Etchart	-	Aye
5	Berg	-	Aye	Felt	-	Absent
6	Berthelson	-	Nay	Foster	-	Aye
7	Blaylock	-	Aye	Furlong	-	Nay
8	Blend	-	Nay	Garlington	-	Aye
9	Bowman	-	Nay	Graybill	-	Absent
10	Brazier	-	Nay	Gysler	-	Nay
11	Brown	-	Absent	Habedank	-	Aye
12	Bugbee	-	Aye	Hanson, R. S.	-	Aye
13	Burkhardt	-	Aye	Hanson, R.	-	Aye
14	Cain	-	Nay	Harbaugh	-	Aye
15	Campbell	-	Aye	Harlow	-	Excused
16	Cate	-	Absent	Harper	-	Aye
17	Champoux	-	Absent	Harrington	-	Aye
18	Choate	-	Aye	Heliker	-	Nay
19	Conover	-	Aye	Holland	-	Excused
20	Cross	-	Nay	Jacobsen	-	Nay
21	Dahood	-	Absent	James	-	Nay
22	Davis	-	Aye	Johnson	-	Aye
23	Delaney	-	Nay	Joyce	-	Aye
24	Driscoll	-	Absent	Kamhoot	-	Nay
25	Drum	-	Absent	Kelleher	-	Aye

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Leuthold	-	Aye	Romney	-	Aye
Loendorf	-	Aye	Rygg	-	Nay
Lorello	-	Absent	Scanlin	-	Nay
Mahoney	-	Nay	Schiltz	-	Absent
Mansfield	-	Nay	Siderius	-	Aye
Martin	-	Nay	Simon	-	Aye
McCarvel	-	Aye	Skari	-	Aye
McDonough	-	Absent	Sparks	-	Aye
McKeon	-	Absent	Speer	-	Nay
McNeil	-	Aye	Studer	-	Aye
Melvin	-	Aye	Sullivan	-	Aye
Monroe	-	Nay	Swanberg	-	Aye
Noble	-	Aye	Toole	-	Absent
Nutting	-	Aye	Van Buskirk	-	Absent
Payne	-	Aye	Vermillion	-	Nay
Pemberton	-	Aye	Wagner	-	Absent
Rebal	-	Absent	Ward	-	Absent
Reichert	-	Aye	Warden	-	Excused
Robinson	-	Nay	Wilson	-	Aye
Roeder	-	Aye	Woodmansey	-	Aye
Rollins	-	Aye	Chairman Murray	-	Aye

CLERK HANSON: Mr. Chairman, forty-nine Delegates voting Aye, thirty-one voting No.

CHAIRMAN MURRAY: Forty-nine Delegates having voted Aye, and thirty-one voted No, the motion is carried and sec-

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tion ten has been deleted in its entirety. Section eleven -- the Clerk will read section eleven.

CLERK HANSON: (Reading) Section eleven, Voter Review of Local Government: The legislature shall within four years of the adoption of this Constitution provide for procedures by which each local government unit, either separately or jointly, shall review the government structure of the local unit or joint unit and shall submit one alternative form of government to the voters at the next general or special election. The legislature shall provide for a review procedure each ten years after the first election. (End reading) Mr. Chairman, section eleven.

CHAIRMAN MURRAY: Mr. Ask.

DELEGATE ASK: Mr. Chairman, I move that when this committee does arise and report, after having had under consideration section eleven of proposal number eleven, it recommends that the same be adopted.

Mr. Chairman.

CHAIRMAN MURRAY: Mr. Ask.

DELEGATE ASK: Fellow Delegates, this section eleven, we believe, is the key to the whole Local Government article. You have heard many times, everyone complains about local government but nothing is ever done about it. We feel with this section that something will have to be done about it. In other words, this is the start to the reform in local govern-

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ment if reform is needed in any particular area. Now, we have talked in our committee and personally to many officials of cities and towns and have posed the question as to why they hadn't tried to improve their local government units, and many of them say that they have tried and they have had so much heat over it, you might say, that they have just dropped the idea and they just don't do anything. And, many of them were asked, if you were in a position where you had to so often at least look at your local government, would you do this, and they thought this was a good idea. Now, if you recall, section seven of our present Constitution, which provides for all types of local government, was adopted in 1922. That's fifty years ago, and very little has been done with local government since that time, and I think one county--Petroleum--adopted a different type of county government. All the other fifty-five kept the same type as they have now and very few cities and towns made any attempt to change their government. The reason for this is, there was nothing in there that forced them to look at their -- to have the people become involved and change their government. Now, the key of this particular article on reform and change of local government is that it will start the process of reform and then if the people want a change, they can change it. If they don't want a change, then it will remain the same, but at least they'll have a chance. Many have asked the question, well, how will this par-

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ticular section work? I think I mentioned it briefly yesterday that a commission of probably three or five people would be appointed in either the cities -- in the cities and the towns and also for the county -- that would make a study for their government, and we assume they would work with the present government officials, hold hearings that various citizens in the community could attend, and eventually they'd come up with an alternative or optional form of government and all that would be done then, if they decided on this, if the commission would agree on this, that this alternative type of government would be submitted to the people at the next election and all they'd have to do is vote whether they wanted this new type of government -- if they voted No, they'd go back to their old form. Now, as you recall in our General Government article a few weeks ago, we adopted the idea of the constitution being -- idea of having a constitutional convention be submitted to the people every twenty years, and this was voted in, thought it would be a good idea. Well, here we have provided for a review every ten years and the reason we put this in here is that the first review will be four years after this Constitution is adopted. But then, you don't want to sit still on four years -- we'd go another fifty without any change -- so we see nothing wrong in submitting this every ten years. Now, many of the city and county officials were very concerned about this ten year business because, they said, of the ramifi-

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cations of it -- the cost of it and it would be too complicated -- but if you'll read that section, it just says that the legislature shall provide for a review procedure and I would assume that they could simply say -- they'd just put on the ballot, are you -- whether you vote that you are in favor of your present structure of government. If you vote Yes -- if you are in favor of it, it will remain the same. If you're not pleased with your government, you'd vote No and then you'd have another commission to make a study and submit another alternative plan. So, we feel that this section is the key and also, there has been some concern that, say, a government changed its -- say before this four year period or some time before the ten year period -- could they do this, and we would like to state for the record that a city or county government --any local government unit--could change its government at any time. You don't have to wait for this four years or this ten years, but this ten years is -- would have to be mandatory. So, we feel that this section is the key to the whole Local Government for reform of local government units and we would ask that you support and adopt this particular section. Thank you.

CHAIRMAN MURRAY: Mr. Kelleher.

DELEGATE KELLEHER: Would Mr. Ask yield to a question, please?

CHAIRMAN MURRAY: Mr. Ask, would you yield to a

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question?

DELEGATE ASK: Yes.

CHAIRMAN MURRAY: All right.

DELEGATE KELLEHER: Tom, under section eleven, could the voters of Billings, which now have a unicameral legislature, could they choose to have either the city-manager form of government or,and the alternative -- could they do this at one election? Could they have an alternative at one election -- a choice, say, between a city-manager form of government and a form of government where the aldermen would choose one of their number as mayor -- in other words, the so-called parliamentary form of government? Could that be done at the same election?

DELEGATE ASK: Yes, Mr. Kelleher. When this commission, or whatever alternative is submitted to them, it could be any type of government, whatever this commission thought was the best, this would be submitted. The people could either adopt it, or if they didn't adopt it, they could go back to their old system, but any type of city government could be submitted.

DELEGATE KELLEHER: As alternatives on the ballot.

DELEGATE ASK: Yes.

DELEGATE KELLEHER: Thank you.

DELEGATE ROMNEY: Mr. Chairman.

CHAIRMAN MURRAY: Mr. Romney.

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DELEGATE ROMNEY: Mr. Chairman, I move to delete section eleven. I do it because I think we've had -- there's ample opportunity for municipalities and counties to carry on elections to change their form of government under the present situation, especially since we have adopted the arguments in the section previously adopted in this article. Take the city of Missoula, for example. Some years ago they started out with a mayor and alderman type of government. Later on they decided that they wanted to have a change so they took up the commission form of government. After a few years of using a commission form of government, they took up, I believe, the city-manager form of government, and now they are back to -- decided they didn't like that so they are now using the mayor and alderman type of government, and according to the debate yesterday, the mayor of Missoula was the only witness who appeared before the committee, asking that there be incorporated in this document a plan for a charter form of government, so I presume that Missoula will soon be embracing a charter form of government. My argument is, there's ample latitude at the present time for change, and I think that it is an imposition to have an election every four years or every ten years when they already can do it. Thank you.

CHAIRMAN MURRAY: Mrs. Bugbee.

DELEGATE BUGBEE: Mr. Chairman, I disagree with Mr. Romney wholeheartedly. I think that this is one of the most

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innovative things that we have in our whole Constitution. The history of local government is that it -- people sit on what they have, they do not -- they cannot pick the thing up and innovate, and this will put them on -- this will put the problem of their government in front of them and they will have to face what they will do or will not do. I really disagree with what Mr. Romney said.

CHAIRMAN MURRAY: Mr. Arness.

DELEGATE ARNESS: Mr. Chairman, it should be kept in mind that we have kept our traditional form of government, including our traditional form of county government, and the present organization of our county government tends to favor inaction. Most of the time that the county commissioners spend, whether we like it or not, or whether we are willing to admit it or not, consists not in taking action but in trying to frame decisions that avoid action. The structure of county government is designed so as to create the greatest possible inertia over the longest possible time. That's one of the problems that we have. Our county government is not suited, of course, for a rural -- or an urban situation. County governments are antithical to cities and they are as much opposed to them as they are opposed to action. I submit that in order to goad these people into some kind of movement, something is necessary. This is a very, very small thing that we have put in here, and it seems to me that it might have some good effect

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and it certainly could do no harm. It would help to overcome the inertia that exists in the existing system by virtue of its very structure and I submit to you that we ought to keep this section.

CHAIRMAN MURRAY: Mr. Rollins.

DELEGATE ROLLINS: Mr. Chairman, when we had numerous county and city officials in for -- to testify before our committee, I was impressed with the idea that the responses of local government to need for change are about as fast as the reflexes of a brontosaurus that blinks its eyes four minutes after it's bitten on the tail by a tyrannosaurus.

(Laughter)

DELEGATE ROLLINS: Mr. Romney mentions the changes at Missoula, and I applaud Missoula. They might find something that will solve their problems. I think that this is one of the vital parts of the Constitution as far as local government is concerned because it gives a needed push to the local government in order to meet local needs. We hear quite often that local governments will say they're satisfied with what they have which, to me, it's a rather low state of contentment. I remember once getting into a fight and the other kid beat the soup out of me and he says, are you satisfied? And I said, yes, but I wasn't happy. Now, the local people have been getting the soup beaten out of them sometimes because they are under governments which refuse to meet the challenge, and I

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think that this is something that will at least force them to propose some kind of an alternative within four years and again in ten years, and I think it's one of the more valuable parts of the article.

CHAIRMAN MURRAY: Mr. Simon.

DELEGATE SIMON: Mr. Chairman, fellow Delegates, this is the section that does the job for local government and I'd hate to see this Convention drop any part of this section. We were accused the other day by some of the media of having gone from 1889 to 1920. Let's not kill the section that puts us back to 1900. Now, we've got tremendous problems in our area, in Billings, Montana, and if this section can do something in the next ten years -- now this section provides that within four years that if the legislature doesn't do something in providing procedures, the local voters can do something, and, for heaven's sake, let's not kill the very heart of the local government proposal by deleting this section. I implore you and tell you that this is one of the sections that we gave the most consideration of any single section in this Local Government article. I don't want to go home with a Local Government article and say that we had nine good sections and we loused it up at the tail end by deleting section eleven, and I implore you to keep section eleven alive. Thank you very much.

CHAIRMAN MURRAY: Mrs. Blend.

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DELEGATE BLEND: Mr. Chairman, the entire idea of the Local Government article is to get action to make people on the local level become aware of their local government. This section eleven would create interest in government. I would question Mr. Romney's prerogative in analyzing Missoula's government because this is something for them to do. This is why we need this section, so each unit of government may question their own government or not as they choose. This is the flexibility and this is the ribbon that ties up the entire section for action on the part of local government in the future.

CHAIRMAN MURRAY: Mr. Garlington.

DELEGATE GARLINGTON: Mr. Chairman, as the oldest living resident of Missoula in this Convention, its history having been brought into question here, I think I ought to explain a little what went on. We tried to have the innovation of a city-manager system there, but we ran into personnel problems and the reason there was a change was just the personnel situation. Otherwise, I think we match up in citizen lethargy to most of the rest of the state, and I just have to say in conclusion that it doesn't seem to be too high a standard for the twenty-first century to have the citizens be forced to face a new thought at least once every ten years.

(Laughter)

CHAIRMAN MURRAY: Mrs. Reichert.

DELEGATE REICHERT: Mr. Chairman, I, too, rise in

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support of the majority proposal. I think this is by far the most innovative section, and if you will recall, yesterday we were told that the national municipal league had commended the Local Government Committee for the fine work on their article. I think that if we deleted a section, we'd probably get a retraction of that letter from the national municipal league.

CHAIRMAN MURRAY: Mr. Furlong, you've been up.

DELEGATE FURLONG: Mr. Chairman, I oppose deletion and if I could prevail upon some kind soul who was on the majority of the last section, I would even like to make a comment or two about that. What I'm seeking, Mr. Chairman, is some support for reconsideration after section eleven of section ten. Thank you.

CHAIRMAN MURRAY: Mr. James.

DELEGATE JAMES: Mr. Chairman, I think we all campaigned on a platform that we would make government more flexible, that we'd take government out of a strait jacket. I think this is what we are doing by this section. I support it.

CHAIRMAN MURRAY: Miss Speer.

DELEGATE SPEER: I think I have -- Mr. Chairman, I think I have only one thing to add to the arguments that have been made. I feel that local government is the training ground for our citizens in government participation and I see nothing reprehensible in the fact that Missoula has changed a few times. I think it shows a citizen alertness and awareness

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and this is not shown in too many communities. From the lot of interest in the Local Government article in this Convention and I'm just as aware as anyone else, or perhaps moreso, of the weariness of people at this state, which probably accounts for some of this, but I think that unless provision for a voter review is made automatic in the Constitution, that there will tend to remain a status quo.

CHAIRMAN MURRAY: Mrs. Erdmann.

DELEGATE ERDMANN: Mr. President, I, too, am strongly opposed to the deletion of this article for the reasons that everyone else has stated -- that this will tend to overcome the apathy on the local level toward the existing system of government. You know, people are very prone to criticize the courthouse or the city hall. They crab all the time about it. But, this gives them a chance now, in four years after the ratification of this, they have a chance to do something to quit complaining and I have a sneaking suspicion that it will result in a vote of overwhelming confidence in the people who are trying to do a good job in local government, and therefore, I certainly oppose the amendment to delete.

CHAIRMAN MURRAY: Mr. Kelleher.

DELEGATE KELLEHER: Mr. Chairman, I think the Local Government committee should be highly commended. I think this is one of the greatest articles going into this Constitution. We have the so-called, quote, strong, close quote, mayor type

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of government down in Billings, and a month or so ago an alderman called him a goofy buzzard, and this led to a rash of sales -- started a new industry in goofy buzzard t-shirts down in Billings. Our city council does nothing but feud and fight. It's one of the biggest hindrances to the amusement industry in Billings because everybody can get a free show on Monday night down in Billings. It doesn't cost a nickle. You just have to hurry up and get down there early in order to insure yourself a seat. We have recently appropriated -- or spent Uncle Sam's money, which means our money -- three hundred thousand dollars on Poly Drive to widen it. Made it a very nice four lane highway -- east-west highway in Billings -- and the city council wanted to make it -- the traffic commission wanted to make it four lanes -- they're non-paid people that -- citizens that serve on the traffic commission -- but a few housewives went down and says, no, we got no place to park our cars so it's this huge -- it's almost six lanes wide -- it's still a two lane highway because a handful of housewives or a handful of men, too, for that matter, could run the city council. And, Twenty-Fourth Street West was another one. It's a very heavily trafficked four lane highway -- should be four lanes -- it is four lanes but it's painted for two lanes because a few of the people down there didn't like having it four lanes, and I submit that one of the things that we really need in Billings is this provision and if we have a new type

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of government in the city council that we'll be able to get things done. Thank you.

CHAIRMAN MURRAY: Mr. Jacobsen.

DELEGATE JACOBSEN: Mr. Chairman, fellow Delegates, we hope that this section shall and will create a movement in the counties and cities and towns to encourage the people to take a more active part in local government. We are closest to this form of government in our counties and cities but we know the least about them. We just are apathetic. Indifference and apathy by citizens in most towns makes it absolutely necessary that we try to encourage the citizen to become involved. Our Local Government article is flexible to this point and a very good article, I believe. Now, we must plan to zone and help our towns to have a more active citizenry Now, we would like the Constitution -- or, this Convention to be remembered for the new avenues of democratic self-government and opportunities, and the opportunities that it opens for Montana, rather than the doors that it leaves locked and unopened. We would not be concerned about a constitution as a literary document to be filed in the archives, but, rather, one that is functional and flexible and which encourages the democratic desires of the people with a minimum of checks and balances, aimed at preventing excessive or abusive use of power rather than denying the people access to participation and responsibility for the government. This does encourage

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the people to take a more active part and they will be aware of it four years from now and ten years after that and each ten years thereafter, so we can have better local government.

CHAIRMAN MURRAY: Mr. Romney, would you choose to close?

DELEGATE ROMNEY: I don't know why.

CHAIRMAN MURRAY: Oh, Mr. Mahoney, I'm sorry. I just couldn't see you. There's so much activity ahead of you.

DELEGATE ROMNEY: Mr. Chairman, -- oh, pardon me.

DELEGATE MAHONEY: Mr. Chairman, I never knew there was so much wrong with our city and county government until this morning. I guess it's all out. We should throw the whole works out. There's nothing good about it. I've heard nothing here good for our present office holders that have been elected by the people. Now, this I'm wondering about, and maybe I'm altogether wrong. Four years, and two years later they've got to submit a new plan. Now, I'm sure that maybe those housewives down on Poly Drive, they're going to maybe want to leave it as is, or they may want a new plan and I certainly want them to have their side, but how many new plans are we going to have? This becomes a very serious question to me. Now, I'll admit they haven't changed as much as a lot of people want to have changed. Billings -- and I happen to get the Billings paper because I took it before I came

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up here and I still take it, and I get a bang -- all of a sudden there was a group down there that wants a city-manager form of government, but the worst blow they got is when all of a sudden, down in Sheridan, they kicked out the city-manager form. It just ruined the Billings program. Now, we find these places over here and we have in Helena and it seems to be doing good. I think Helena is doing fine -- city-manager form of government. Maybe it's a fine way. Bozeman -- doing very well. Now, Missoula, and I see that on TV and I see they have their problems in Missoula, and there seems to be an awful lot in Missoula. Now, will these problems change once we have -- now, this one structure might not be so bad but to force the people every ten years to come out with an alternate plan, come out with some new plan -- it says here and it's very keen, it's got to be a new plan that they're going to vote upon. Now, the rest of the other time, this responsibility -- if you wanted to change in plans was responsible up upon the people that were the change -- they wanted the change. They had to go out and get the petitions signed and do the work. Now, we're putting it over to state government and county government and says, you shall submit a new plan. Now, I just -- I'd just like to have the initiation come from the people and not from the top down. Now, they're going to name the commission, as I understand, and if the legislature says that, and I think we have a lot of things to study upon this.

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The legislature shall provide for a review procedure each ten years after the first election. Maybe we should leave this down and leave the people at the bottom. Now, I'm willing to go with the first one, but this last section seems to me -- every ten years. Now, if you want to go out and rehash the whole state and there's things I think could be done. I've been strongly for -- to go -- a lot of these small counties to go to the county manager form of government. I think Petroleum county has proved that it can be done. I see nothing wrong with Silver Bow county going to a consolidated city-county manager form of government, but the voters of Silver Bow county, in its wisdom, each time has turned it down. Now, you got to remember this, that you went out here in Mineral county and I think it was two or four years ago. They tried to go county manager and the voters turned it down. Now, what I hate to see is to subject this to election every ten years. I'm willing to go with the first one, but I'd like to have you give awful good consideration to this every ten year thing. Now, if you could do this under the parliamentary system of government that has been suggested by the distinguished delegate from Yellowstone, then they could pick the time. You know, Labor government just got lost out in England the last time because they didn't pick the right time. Ordinarily they pick the time to have an election so they can win. Now, maybe we shouldn't have this on the ten year interval. Maybe

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we should go to this parliamentary system and let them pick the time when they want to change the government, and maybe this would be one way for the parliamentary system. Now, if we want to go far enough, then let's go out and say to the state of Montana that the state of Montana shall submit every ten years the parliamentary system or some other system of government to all the people. We're just asking the cities and counties to do things that we aren't asking the state to do. Now, this is -- I think this, I don't mind the first one but, boy, I'll have an awful time on the second one. Thank you.

CHAIRMAN MURRAY: Mr. Ask.

DELEGATE ASK: Mr. Chairman, I would like to reply to Mr. Mahoney. On the ten years, I think you misunderstood that. We don't intend by the ten years to submit an alternative plan, go through the whole procedure. All that is worded, if you'll look at it, is that they'll provide for a review procedure which we contemplate merely placing on the ballot to the people at an election -- do you -- are you happy or do you want to change your government or are you satisfied with your present structure of government. You vote Yes or No. You vote Yes, that's all there is to it. If the majority of people want to vote at that election that they want to change their government, then they go through the process of submitting an alternative at the next election. We assume this is

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the way it's going to work. They're not required to go through this lengthy procedure every ten years. And, if you recall, we have a six year provision if the unicameral is adopted that will be put on the ballot -- what is it, six or eight years? I can't remember. And, also, our constitution is going to come up for a convention every twenty years, so the people are going to get a chance whether they want to change the structure of the state government. I see nothing wrong with the grass roots, the local government, to have this opportunity to vote yes or no every ten years. But, just so it's clear to everyone here, they're not required to go through the lengthy process, and we have in the Bill of Rights, I believe, that they want people to participate in government -- the right to know and the right to participate. Well, I think by this procedure we're giving them a right to participate, to take an interest in it, and I therefore oppose the motion to delete and would ask that the Convention adopt the section.

CHAIRMAN MURRAY: Mrs. Eck.

DELEGATE ECK: I would just like to say a few words in behalf of county commissioners. I think that they have been kind of blasted from time to time in here, but the commissioners, as I understand it, look at their job as not one of initiating new forms and this is a very difficult thing for them. Now, it might be that this is just our commissioners but at least they have the feeling that if they are going to

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change, then our commissioners are in a situation where we are, you know, we are fast becoming an urbanized county or a county where urban services are needed out in the outlying areas, and yet they are continually criticized if they try to initiate action. This would really be a way for the legislature to direct them to involve citizens in a process where they, with the citizens, could come up with some changes that might enable them to deal with their problems more effectively. You know, fortunately, our city government doesn't have these problems. Bozeman is one of those fortunate places with a city-manager form of government so we have continually good management. Thank you.

CHAIRMAN MURRAY: Mrs. Robinson.

DELEGATE ROBINSON: Mr. Chairman, I would just briefly like to respond to some of the comments made by Mr. Mahoney, particularly in relation to Missoula's problems. Since, I've been at the Convention, Missoula has lost one of its problems, so you don't have to worry about that. But, I would just like to say, in support of the majority report of the Local Government Committee, it seems to me that you're right that there has not been much change in local government, and I'm not so sure it's because we're that satisfied with it. I'm sure the delegates to the 1889 Constitutional Convention would be quite familiar with our present form of municipal government, but I think you have to realize that even as late as 1920 there were

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only something like twenty-four incorporated municipalities. Now we have a hundred and twenty-six. But, of this hundred and twenty-six, only thirty-seven of these are gaining any population at all and a great many of them are rapidly decreasing and will soon become to the point where they may -- would like to be unincorporated. I think this is a real essential part of this revision of local government to allow these areas where the population is decreasing to, every ten years or periodically, look at their form of government in relation to the number of people that they have, because this is changing and the need for the governmental services that they need to provide. I think that this is probably the most crucial point of having some of these hundred and twenty-six incorporated municipalities get into the 1970's.

CHAIRMAN MURRAY: Mr. Martin.

DELEGATE MARTIN: Mr. Chairman, I rise to support the majority report and say that in my opinion this is something that we need. It's an educational program and it isn't going to cost anything. If the motion prevails, I would move that we delete one phrase, or special, and have it read: The local unit shall submit one alternative form of government to the voters at the next general -- and I would omit, or special -- election. And, I think that it would be something that wouldn't cost any additional amount of money and it would be highly informative. As you talk to commissioners sometimes

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and recognize their problems, they find that they haven't got enough citizen participation and this would be a good opportunity for just that. I support the motion of the majority.

CHAIRMAN MURRAY: Mr. Anderson.

DELEGATE OSCAR ANDERSON: I would like to see us resolve this issue on its merits and have a vote at this time.

CHAIRMAN MURRAY: Well, Mr. Romney has the opportunity to close and I am going to give him that opportunity. Mr. Romney, you are closing?

DELEGATE ROMNEY: Sir?

CHAIRMAN MURRAY: You are going to close, is that right?

DELEGATE ROMNEY: Yes, sir --

CHAIRMAN MURRAY: O.K.

DELEGATE ROMNEY: -- unless someone else wants to talk.

CHAIRMAN MURRAY: I see nobody else.

DELEGATE ROMNEY: Mr. Chairman, I brought this matter up because I felt there was ample opportunity for change under the present situation, as augmented by the material that was adopted yesterday. I still think that, and so I think that I'll let the matter go, with the observation that yesterday I noted that the Convention was slumbering through the session. At one time there were fifty-six people -- Delegates -- on the floor by actual count, and the Convention had de-

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generated into a Rip Van Winkle assemblage. I think that something had to be done to dynamite some action into the operation so that people would become aware of what was transpiring. I think it has served that purpose in the discussion on the last section, as well as on this section ten, and if it's necessary to nail my hide on the electric voting board, why, I think it is well done. I thank you.

CHAIRMAN MURRAY: All right, members of the committee, the question now arises on the motion of Mr. Romney --

UNIDENTIFIED DELEGATE: Roll call.

CHAIRMAN MURRAY: We'll have a roll call vote, and Drum and Brown have returned so they may vote. The question now arises on the motion -- substitute motion of Mr. Romney that we delete section eleven in its entirety. We will use the voting machine. So many as are in favor vote Aye. Those opposed vote No. Has every Delegate voted?

(No response)

CHAIRMAN MURRAY: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN MURRAY: The vote is now closed. The Clerk will tally the vote.

Aasheim	-	Nay	Arbanas	-	Nay
Anderson, J.	-	Nay	Arness	-	Nay
Anderson, O.	-	Nay	Aronow	-	Nay

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1	Artz	-	Nay	Driscoll	-	Absent
2	Ask	-	Nay	Drum	-	Nay
3	Babcock	-	Nay	Eck	-	Nay
4	Barnard	-	Nay	Erdmann	-	Nay
5	Bates	-	Nay	Eskildsen	-	Nay
6	Belcher	-	Nay	Etchart	-	Aye
7	Berg	-	Nay	Felt	-	Nay
8	Berthelson	-	Nay	Foster	-	Nay
9	Blaylock	-	Nay	Furlong	-	Absent
10	Blend	-	Nay	Garlington	-	Nay
11	Bowman	-	Nay	Graybill	-	Absent
12	Brazier	-	Nay	Gysler	-	Nay
13	Brown	-	Aye	Habedank	-	Nay
14	Bugbee	-	Aye	Hanson, R. S.	-	Nay
15	Burkhardt	-	Nay	Hanson, R.	-	Nay
16	Cain	-	Nay	Harbaugh	-	Nay
17	Campbell	-	Nay	Harlow	-	Excused
18	Cate	-	Nay	Harper	-	Nay
19	Champoux	-	Absent	Harrington	-	Nay
20	Choate	-	Nay	Heliker	-	Nay
21	Conover	-	Nay	Holland	-	Excused
22	Cross	-	Nay	Jacobsen	-	Nay
23	Dahood	-	Absent	James	-	Nay
24	Davis	-	Nay	Johnson	-	Nay
25	Delaney	-	Nay	Joyce	-	Nay

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Kamhoot	-	Nay	Rollins	-	Nay
Kelleher	-	Nay	Romney	-	Aye
Leuthold	-	Nay	Rygg	-	Nay
Loendorf	-	Nay	Scanlin	-	Nay
Lorello	-	Nay	Schiltz	-	Nay
Mahoney	-	Aye	Siderius	-	Nay
Mansfield	-	Nay	Simon	-	Nay
Martin	-	Nay	Skari	-	Nay
McCarvel	-	Nay	Sparks	-	Nay
McDonough	-	Nay	Speer	-	Nay
McKeon	-	Nay	Studer	-	Nay
McNeil	-	Nay	Sullivan	-	Nay
Melvin	-	Nay	Swanberg	-	Nay
Monroe	-	Nay	Toole	-	Absent
Noble	-	Nay	Van Buskirk	-	Absent
Nutting	-	Nay	Vermillion	-	Nay
Payne	-	Nay	Wagner	-	Nay
Pemberton	-	Nay	Ward	-	Nay
Rebal	-	Nay	Warden	-	Excused
Reichert	-	Nay	Wilson	-	Nay
Robinson	-	Nay	Woodmansey	-	Nay
Roeder	-	Nay	Chairman Murray	-	Nay

(Delegate Bugbee rose to gain the Chair's recognition.)

(Laughter)

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CLERK HANSON: She wants to explain her vote.

CHAIRMAN MURRAY: I think you're out of order.

(Laughter)

DELEGATE BUGBEE: What do you want -- what would you like to say?

DELEGATE BUGBEE: Mr. Chairman, I would like to change my vote.

CHAIRMAN MURRAY: You would like to -- I'm sorry, the vote is closed but the record will show that you voted in error.

DELEGATE ROMNEY: Mr. Chairman.

CHAIRMAN MURRAY: Mr. Romney.

DELEGATE ROMNEY: I think that Mrs. Bugbee should be allowed to change her vote. She was overwhelmed with the green of the day.

CHAIRMAN MURRAY: The record will show she voted in error.

CLERK HANSON: Mr. Chairman, five Delegates voting Aye, eighty-five voting No.

CHAIRMAN MURRAY: Five Delegates having voted Aye and eighty-five No, the motion has failed. The question now arises --

Mr. Martin.

DELEGATE MARTIN: I would like to offer an amendment to delete or special in line ten.

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CHAIRMAN MURRAY: What page are you on at line ten?

DELEGATE MARTIN: On page thirty-one.

CHAIRMAN MURRAY: You would simply delete the words, or special election, is that right?

DELEGATE MARTIN: That's right.

CHAIRMAN MURRAY: And that would be the same three words, or special election, on line four of page six. Just or special, I guess, that's your motion.

DELEGATE MARTIN: Right.

CHAIRMAN MURRAY: The two words, or special.

Mr. Martin.

DELEGATE MARTIN: In order to save time, I'll be quiet.

CHAIRMAN MURRAY: Mr. Wilson.

DELEGATE WILSON: Mr. President.

CHAIRMAN MURRAY: Mr. Wilson.

DELEGATE WILSON: I don't have any quarrel with this proposal, except that it does require the voters in a county to do this every ten years, whether they want to or not, and I submit that this may -- should be a voluntary thing and if a group wants to submit an alternate plan, this would be fine, and I would like to change one word on page six, line three, and insert may instead of shall.

CHAIRMAN MURRAY: Give me that again, would you please?

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DELEGATE WILSON: Insert may in place of shall on line three, page six.

CHAIRMAN MURRAY: Is that a form of substitute motion for Mr. Martin?

DELEGATE WILSON: This is right.

CHAIRMAN MURRAY: Mr. Wilson, I'm going to rule your motion out of order because it does not affect Mr. Martin's motion at all. His amendment can stand alone without yours and let's take up the issue of Mr. Martin's amendment. That's the one you should be addressing yourself to and then let's go to yours, if that's all right.

DELEGATE WILSON: That will be fine, Mr. Chairman.

CHAIRMAN MURRAY: All right.

Mr. Jacobsen.

DELEGATE JACOBSEN: Mr. Chairman and fellow Delegates, isn't it true that our city elections, especially, are held usually at just a -- it's a special election just for that purpose. Our city officials are not held at regular presidential general elections, so special elections or city elections instead of these special -- maybe we could substitute and put in there, general or local elections.

CHAIRMAN MURRAY: Mr. Ask, could you respond to that, please?

DELEGATE ASK: Mr. Chairman, I think I would oppose this motion to delete those two words by Mr. Martin. We're

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not out here to get special elections. We want to cover it broadly. You have a general or a special election. Now, city elections are held on different days than the general election. The general election, of course, would apply to the county, so I would say, let's leave it flexible and I'm sure the local officials are not going to be wasting money on elections if they don't have to, and if your city officials are elected for four years, possibly you'd go a long time here without an election, so let's leave it up to the local people when they want to have their election, whether they want to wait until the general election or the next city election or whether they want to even have a special election -- I don't think they would -- but let's leave it up to the local level and not decide it here. So, I would be in opposition to that motion to delete those two words.

CHAIRMAN MURRAY: Mr. Martin, do you choose to close?

DELEGATE MARTIN: I would be agreeable to change it to city election -- or city election, or local election. I wasn't precluding any regular authorized election. My point was, it shouldn't be a special election to add additional cost and it should come at a time when you are voting for regular city or county officials, and the general election is where you elect the county officials, so you could -- I would be willing to change it, or city elections, or something of

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this sort.

CHAIRMAN MURRAY: I have no motion to that effect, Mr. Martin. You still have the floor. Do you wish to make such a motion?

DELEGATE MARTIN: Well, I'll amend it to say general or city election. The county is at a general election, am I right? General or city election -- I'll amend it to that.

CHAIRMAN MURRAY: So your motion now stands, then, instead of deleting the words, or special, you want to change those words to read, or city, is that right?

DELEGATE MARTIN: Right.

CHAIRMAN MURRAY: Mrs. Babcock.

DELEGATE BABCOCK: Mr. Chairman, I'll offer a substitute motion to delete general or special, so that it will read, at the next election.

CHAIRMAN MURRAY: Mrs. Babcock has now made a substitute motion to delete the words, general or special election, but I guess by virtue of doing so, she is attempting to wipe out Mr. Martin's motion to change special to city. All right.

Mr. Anderson.

DELEGATE OSCAR ANDERSON: I resist all of these substitute motions and would like to have the delegation consider the original language. This provides the flexibility that you need. The local officials are aware of their situa-

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tion. They are responsive to the voters and they are not going to increase expenses by holding a needless special election. I'd like to see them have the utmost flexibility so they can act on the voters' behalf in the most efficient and economical way. Please defeat these substitute motions.

CHAIRMAN MURRAY: Mr. Choate.

DELEGATE CHOATE: Mr. Chairman, I would support the position of the majority report because, conceivably, if you said just election, a school board election might be the next election and it certainly would not fit this situation.

CHAIRMAN MURRAY: O.K., the question now arises on the motion of Mrs. Babcock, a substitute motion to delete the words, general or special, on line four of page six. As many as are in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: No.

CHAIRMAN MURRAY: The Noes have it and so ordered. The question now arises on the motion of Mr. Martin to amend the word, special, to city, so that the language reads: the voters at the next general or city election. As many as are in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: No.

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CHAIRMAN MURRAY: The Noes have it, and so ordered. Now, Mr. Wilson, I think your motion would be in order at this time.

DELEGATE WILSON: I move that on line three, after the word, and, in place of the word, shall, put in the word, may, on page six.

CHAIRMAN MURRAY: Do you wish to speak to that motion, Mr. Wilson?

DELEGATE WILSON: Mr. President, I think this will provide the people in the local county with the opportunity to either -- they won't be required to do this, it wouldn't be a definite thing, as spelled out here, that they would have to do it, and if they're satisfied, why, they would just remain with their status quo. I do believe that any county or -- that is satisfied with their system shouldn't be required to do this every ten years if they don't choose to do so.

CHAIRMAN MURRAY: Mr. Arness.

DELEGATE ARNESS: Mr. Chairman, I can't help but feel that Mr. Wilson doesn't entirely understand what the committee was trying to do here and I'd like to get him back on the majority's side, if we can. The idea of section eleven is to give voters in the area a chance to take a look at it and decide. That's the whole point of it. If they decide at the election that they want to review it, then they will go ahead and engage in the review procedure. If they decide that they

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don't want it, then they won't, and they're not being forced under the present section eleven the way it is in the majority report to do something or not to do something. They are given just exactly what you pointed out, they are given a choice. This is their election and at the election they make the choice whether they want to make the review or not to make the review. Nothing is forced on the voters by this section. I oppose the amendment on behalf of the committee, Mr. Chairman.

CHAIRMAN MURRAY: O.K., the question now arises on Mr. Wilson's motion to amend the word, shall, to the word, may. As many as are in favor of his motion, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: No.

CHAIRMAN MURRAY: The Noes have it and so ordered. Committee members, the question now arises on the motion of Delegate Ask that when this committee does rise and report, after having had under consideration section eleven of committee proposal number eleven on Local Government, that the same be adopted. As many as are in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: No.

CHAIRMAN MURRAY: The Ayes have it and so ordered. The Chair has no further amendments.

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Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. Chairman, I move the committee rise and finally report.

CHAIRMAN MURRAY: The question now arises on the motion of Mr. Eskildsen that the committee rise and finally report. As many as are in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: All those opposed, say No.

DELEGATES: (No audible response)

CHAIRMAN MURRAY: The Ayes have it and so ordered.

(Proceedings reverted from Committee of the Whole to Convention, Delegate Murray as acting President.)

CLERK HANSON: Mr. President: (Reading) We, your Committee of the Whole, having had under consideration report number eleven of the Committee on Local Government, recommend as follows: That the Committee rise and finally report. Signed, Marshall Murray, chairman. (End reading)

DELEGATE ESKILDSEN: Mr. Acting Vice -- Mr. Acting President, Mr. Murray, Delegate, sir, I move the adoption of the committee report.

ACTING PRESIDENT MURRAY: And that committee proposal number eleven be referred to the Committee on Style and Drafting.

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DELEGATE ESKILDSEN: I so do, Mr. Murray.

ACTING PRESIDENT MURRAY: As many as are in favor of the motion, say Aye.

DELEGATES: Aye.

ACTING PRESIDENT MURRAY: Those opposed, say No.

DELEGATES: (No audible response)

ACTING PRESIDENT MURRAY: The Ayes have it, and so ordered.

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. Acting President Marshall Murray, because of the way we have conducted ourselves, I move that we stand in recess until eleven o'clock this day.

ACTING PRESIDENT MURRAY: Thank you. Now, just before going into recess, before calling for that vote, I would like to have the Pages -- I have a note that the Pages are to go out into the foyer out there for some purpose. They will please do that, and I have been asked that I suggest to you that you remain in your seats for just a moment after we recess. As many as are in favor of Mr. Eskildsen's motion to recess until eleven o'clock, say Aye.

DELEGATES: Aye.

ACTING PRESIDENT MURRAY: All those opposed, say No.

DELEGATES: (No audible response)

ACTING PRESIDENT MURRAY: The Ayes have it, and

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so ordered.

(Convention recessed at 10:45 A.M.)

(During the recess, flowers were placed on the desks of the male Delegates in commemoration of St. Patrick's Day, and a brief presentation was made by Mrs. J. C. Garlington. Appropriate thanks were extended by Mr. Murray.)

(Convention resumed at 11 10 A.M., President Graybill in Chair.)

PRESIDENT GRAYBILL: The Convention will be in session. The Committee will be in session. Ladies and gentlemen, including those in the lobby, I wish you would come to your seats. Very well, members of the Committee, we'll be in session. I understand that in my absence that the wives of those Delegates that are living here were nice enough to bring us these flowers and I want to point out to the Convention that my wife chose snapdragons.

(Laughter)

PRESIDENT GRAYBILL: However, I would also like to say that I was stopped in the lobby by the press and they said, is this the funeral for Mr. Studer's right to work bill?

(Laughter)

PRESIDENT GRAYBILL: Very well, I think enough of us are back. Mr. Eskildsen, would you make a motion?

DELEGATE ESKILDSEN: Mr. President, I move the Con-

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vention resolve itself into Committee of the Whole for the purpose of handling business under General Orders.

PRESIDENT GRAYBILL: The motion is to resolve ourselves into Committee of the Whole. All in favor, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: So ordered.

(Convention resolved into Committee of the Whole. President Graybill in Chair.)

CHAIRMAN GRAYBILL: Mr. Schiltz, we're prepared, I think, to go ahead on report number thirteen from the Style and Drafting Committee and to do that, I think it will require a motion to suspend the rule about the forty-eight hours on the desks. We might try the body and see if they'll do that.

Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, I move that the Committee of the Whole suspend the rules -- I don't -- I'm not sure which rule it is --

CHAIRMAN GRAYBILL: Rule Twenty-Three.

DELEGATE SCHILTZ: Twenty-three?

CHAIRMAN GRAYBILL: Rule Twenty-Three.

DELEGATE SCHILTZ: -- suspend Rule Twenty-Three for the purpose of considering Style and Drafting substantive

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report, which is labeled report number thirteen, Roman numerals. As everybody knows, we're moving along pretty fast on some of this and it's going to be necessary to suspend the rules to get everything done by tomorrow night.

CHAIRMAN GRAYBILL: Very well, the motion is to suspend the rules -- or suspend Rule Twenty-Three, which requires forty-eight hours on your desk before consideration, on Style and Drafting's report number thirteen, which concerns the ordinances. Is there discussion of that motion?

Mr. Harlow.

DELEGATE HARLOW: I just want to be here so I can vote.

CHAIRMAN GRAYBILL: Oh, Harlow was -- Harlow, you're -- Mr. Harlow, your presence may be shown on the journal. Mr. Drum, your presence may be shown on the journal. Very well, the motion is to suspend Rule Twenty-Three to allow consideration of Style and Drafting report number thirteen without it having laid on your desk forty-eight hours. All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: So ordered. Mr. Clerk, will you read the title and the article of report number thirteen?

CLERK HANSON: (Reading) Montana Constitutional

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Convention, 1971-72, Committee on Style, Drafting, Transition and Submission, proposal number thirteen, reported March 16, 1972, John M. Schiltz, chairman. Be it proposed by the Committee on Style, Drafting, Transition and Submission that there be a new article on Compact with the United States to read as follows: Article, Compact with the United States. All provisions of the enabling act of Congress, approved February 22, 1889, 25 Stat. 676, and of Ordinance Number One appended to the Constitution of the state of Montana and approved February 22, 1889, including the agreement and declaration that all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the Congress of the United States, continue in full force and effect until revoked by the consent of the United States and the people of Montana. Signed, Schiltz, chairman. (End reading)

DELEGATE SCHILTZ: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: I move that when this committee does rise and report, after having had under consideration Style and Drafting report number thirteen, that it recommend the same be adopted. Mr. Chairman, this particular article is in answer to a request by the various Indian tribes of Montana that something go into the Constitution -- in particular, the Indian tribes wanted Ordinance Number One reprinted

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at length so that our present Constitution provide exactly as -- that our new Constitution provide exactly as the old one, or the present one. We in the Style and Drafting Committee decided not to do that because there's quite a lot of material in there that doesn't pertain to the Indians themselves but we considered, as North Dakota did, that it was necessary to put something in the Constitution to acknowledge that the old enabling act requirements were still in full force and effect in this new Constitution, and to note particularly that the general language that the declaration of all lands owned or held by Indians and Indian tribes shall remain under the jurisdiction and control of the Congress of the United States. I think that North Dakota, in response to an inquiry from us, answered the problem about as well as it could be answered. They said not to put it in would be like throwing away our copy of the contract. Mr. Chairman, I move the adoption.

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Mr. Chairman, would Mr. Schiltz yield to a question?

DELEGATE SCHILTZ: I yield.

DELEGATE DAVIS: Mr. Schiltz, I'm sure you gave consideration to this, but I wonder what the thinking was, when you refer to this as your copy of the contract, the enabling act has been amended at least twice since that time. I wondered if the language, and subsequent amendments thereto,

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might be appropriate? I mean, if you're adopting the original.

DELEGATE SCHILTZ: Well, I don't think Ordinance Number One has ever been amended, and that's the particular reference.

DELEGATE DAVIS: It says that all provisions of the enabling act approved, and of Ordinance One, and I'm just--

DELEGATE SCHILTZ: Well, we will be adopting any amendments that are now in that enabling act.

DELEGATE DAVIS: All right, thank you.

CHAIRMAN GRAYBILL: Mr. Scanlin.

DELEGATE SCANLIN: On behalf of my Indian friends and the United Tribal Council, I want to thank the Committee on Style and Drafting for giving consideration to proposal number fifteen and I am very happy with the results. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mrs. Eck.

DELEGATE ECK: Mr. Chairman, the second section of Ordinance One was referred to the Bill of Rights Committee. We decided in committee that we really didn't have the authority to make any changes in it, since it really was a contract with the United States government and it should be left as is. We have not met to consider the proposal of the Style and Drafting Committee, but in looking at what it says, which is really that the ordinance will -- is still accepted, I think that it satisfies that provision. I would hope that in some

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printed copies of the Constitution the ordinances would be included, even though they -- you know, when you read through them they're really pretty much outdated. I think that the phrase that all lands owned or held by Indians or Indian tribes shall remain under the absolute jurisdiction and control of the Congress of the United States is really what the Indians were concerned about. I tried this morning to get in touch with the local representative of the inter-tribal council and was not able to reach her and I think that anyone who has discussed it with her might relate this to the body. In looking at it just the short time I've had to look at it, it's looks as though it's really pretty much in keeping with what they want. Thank you.

CHAIRMAN GRAYBILL: Mr. Jacobsen.

DELEGATE JACOBSEN: Mr. President, may I ask Mr. Schiltz a question?

DELEGATE SCHILTZ: I yield.

DELEGATE JACOBSEN: Mr. Schiltz, would this prevent the Indians from selling their lands or leasing them to others? I understand that maybe Mr. Hanson from Ronan could tell us this, but the Indians -- a lot of white people own, or apparently own Indian lands. Would this prevent them from selling these lands then?

DELEGATE SCHILTZ: Absolutely not. This has no effect on anything -- any existing law, any -- it just reaf-

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firms the contract we made with the United States under the enabling act in which we've protected the rights of Indian lands and whatever the Congress does, this won't affect it. They still have the right to do it.

DELEGATE JACOBSEN: Thank you.

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Would Mr. Schiltz yield to a question?

DELEGATE SCHILTZ: I yield.

DELEGATE DAVIS: Mr. Schiltz, on line nine, after six-seven-six, with the parenthesis around it, would you have any objection to adding the words, as amended, or would it create a problem with Style and Drafting?

DELEGATE SCHILTZ: Well, I wouldn't want to do it unless I had some very good authority on what the amendments are and I don't as I stand here right now. I don't think the ordinances have been amended.

DELEGATE DAVIS: No, I'm referring to the enabling act that you are talking about more than the ordinances. You are talking about your adopting the enabling act --

DELEGATE SCHILTZ: Oh, all right --

DELEGATE DAVIS: -- and the ordinance. The enabling act was amended in 1920-something, to provide that we could accept mineral bearing lands. It was later again, in 1930's, amended to permit us to keep the minerals and requiring us to

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-- in any future sales or exchanges to reserve all minerals for the schools. So, I think you would have our complete contract, accepting the original and the amendments thereto as well.

DELEGATE SCHILTZ: All right, why don't you insert an amendment after the word, six seventy-six, and before the paren?

DELEGATE DAVIS: I would so move, Mr. President, if you follow that. After the parenthesis on line nine, six-seven-six, comma, as amended, comma.

DELEGATE SCHILTZ: (inaudible--microphone not turned on) -- as amended?

DELEGATE DAVIS: I beg your pardon?

DELEGATE SCHILTZ: Don't you think the paren ought to follow as amended?

CHAIRMAN GRAYBILL: Mr. Davis, he's proposing that you put it in so that it reads: February 22, 1889, 25 Statutes 676, including amendments, or as amended.

DELEGATE DAVIS: Very good.

CHAIRMAN GRAYBILL: As amended?

DELEGATE DAVIS: As amended. Thank you.

CHAIRMAN GRAYBILL: Very well, Mr. Davis has proposed an amendment to the article, Compact with the United States, which would appear in your books on page two, line nine, within the parentheses and after the numbers, six seven-

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ty-six, we would add the words, as amended, so that it would read: All provisions of the enabling act of Congress approved February 22, 1889, 25 Statutes 676, as amended, and of Ordinance Number One. Is that the sense of your motion, Mr. Davis?

DELEGATE DAVIS: Yes.

CHAIRMAN GRAYBILL: Very well.

Mr. Johnson.

DELEGATE JOHNSON: Mr. Chairman, would Mr. Loendorf yield to a question?

CHAIRMAN GRAYBILL: Mr. Loendorf?

DELEGATE LOENDORF: I'll yield.

DELEGATE JOHNSON: Jerry, after looking over this, I value your opinion. Does it change the intent of the present Constitution as referring to the Indian lands?

DELEGATE LOENDORF: This is the provision that was on the hand-out sheet that merely makes reference to that ordinance rather than incorporates it in its entirety?

DELEGATE JOHNSON: Yes, sir. I'm particularly concerned there about -- is the reference to the Indian lands. What I -- when -- is it your opinion -- does the Style and Drafting wording here --

DELEGATE LOENDORF: There's no change in substance.

DELEGATE JOHNSON: -- any different than the intent that's in the Constitution as it is?

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DELEGATE LOENDORF: None at all. None at all.

DELEGATE JOHNSON: You feel that way?

DELEGATE LOENDORF: Right.

DELEGATE JOHNSON: Thank you very much.

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Johnson.

DELEGATE JOHNSON: Would Mr. Cate yield to a question, please?

CHAIRMAN GRAYBILL: Mr. Cate.

DELEGATE CATE: Certainly.

DELEGATE JOHNSON: Jerry, I would like to ask you the same question I just asked Jerry Loendorf. Do you agree that there is no change in the absolute intent in the Style and Drafting in their presentation here from the ordinance as written in the present Constitution?

DELEGATE CATE: I think it carries through the same intent. I haven't examined it in detail, Mr. Johnson. I'll take a look at it here -- Mr. Blaylock just handed it to me -- and I'll answer your question in a moment. All right?

DELEGATE JOHNSON: Thank you. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Is there other discussion of Mr. Davis' amendment or the ordinance?

Mr. Burkhardt.

DELEGATE BURKHARDT: Just about the ordinance. The

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lack of a signature says I wasn't here, not that I don't approve of it. I wanted to have that there for the record.

CHAIRMAN GRAYBILL: Very well, the issue arises on Mr. Davis' motion that we add the words, as amended, to the reference to the enabling act of Congress in the Compact with the United States article. So many as are in favor of adding that language, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: So many as are opposed, say No.

DELEGATES: No.

CHAIRMAN GRAYBILL: It's adopted. Now, we are back considering the language as a whole. The substance of this -- this is a substantive report from Style and Drafting and we may consider it substantively and style. Is there any further discussion of the article entitled, Compact with the United States?

(No response)

CHAIRMAN GRAYBILL: Very well, all in favor of the article as it's written and amended here, please say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: It's adopted as amended. I'd like a motion, Mr. Murray. I'd like a motion that this committee rise and report finally on Style and Drafting report

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number thirteen ordinance.

DELEGATE MURRAY: Mr. Chairman, I move that the committee rise and finally report on Committee on Style, Drafting, Transition and Submission proposal number thirteen.

CHAIRMAN GRAYBILL: All in favor of that motion say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: So ordered.

(Proceedings moved into Convention from Committee of the Whole. President Graybill presiding.)

PRESIDENT GRAYBILL: Will the Clerk please read the Committee of the Whole report?

CLERK HANSON: (Reading) March 17, 1972. Mr. President: We, your Committee of the Whole, having had under consideration report number thirteen of the Committee on Style, Drafting, Transition and Submission, recommend as follows: That the committee rise and finally report. Signed, Leo Graybill, chairman. (End reading)

PRESIDENT GRAYBILL: Does anyone want the committee report read in full?

DELEGATES: No.

PRESIDENT GRAYBILL: Very well, Mr. Murray.

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DELEGATE MURRAY: Mr. President, I move that we adopt the committee of the whole report and refer Committee on Style, Drafting, Transition and Submission report number thirteen to Order of Business Number Five.

PRESIDENT GRAYBILL: The motion is to adopt the Committee of the Whole report and refer proposal number thirteen to Order of Business Number Five, final adoption. Is there any discussion?

(No response)

PRESIDENT GRAYBILL: All in favor of that motion say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: So ordered.

Mr. Murray.

DELEGATE MURRAY: Mr. President, I move we revert to Order of Business Number Five.

PRESIDENT GRAYBILL: The motion is to revert to Order of Business Number Five, adoption. All in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: Very well, we are on Order of Business Number Five. Now, the purpose of this, members of

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the body, is that Style and Drafting having drafted the ordinance and it being short -- having drafted the proposal about the ordinance and it being short, there seems no purpose in sending it back to Style and Drafting and Mr. -- let's see -- so we're considering it on Order of Business Number Five right now and we'll finally adopt it, unless somebody has objection.

(No response)

PRESIDENT GRAYBILL: Very well, the Clerk will read proposal number thirteen as amended for action on Order of Business Number Five.

CLERK HANSON: (Reading) Committee on Style, Drafting, Transition and Submission Proposal Number Thirteen. Be it proposed by the Committee on Style, Drafting, Transition and Submission that there be a new article on Compact with the United States to read as follows: Article, Compact with the United States. All provisions of the enabling act of Congress, approved February 22, 1889, 25 Statutes 676, as amended, and of Ordinance number one, appended to the Constitution of the state of Montana and approved February 22, 1889, including the agreement and declaration that all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress of the United States, continue in full force and effect until revoked by the consent of the United States and the people of Montana. (End reading) Mr. President, number thirteen.

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PRESIDENT GRAYBILL: Very well, the article, Compact with the United States, is before you. All those in favor of it, vote Aye on the voting machines and opposed vote No. This is a final vote. For those of you who just arrived, we are taking Order of Business Number Five, final adoption of Compact with the United States, which we just adopted as amended. The words, as amended, were the amendment. So, the Compact with the United States is the issue. If you're in favor of it, vote Aye. If you're opposed to it, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Please take the roll.

Aasheim	-	Aye	Bates	-	Aye
Anderson, J.	-	Aye	Belcher	-	Aye
Anderson, O.	-	Aye	Berg	-	Aye
Arbanas	-	Aye	Berthelson	-	Absent
Arness	-	Aye	Blaylock	-	Aye
Aronow	-	Aye	Blend	-	Aye
Artz	-	Aye	Bowman	-	Aye
Ask	-	Aye	Brazier	-	Aye
Babcock	-	Aye	Brown	-	Aye
Barnard	-	Absent	Bugbee	-	Aye

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1	Burkhardt	-	Aye	Harbaugh	-	Aye
2	Cain	-	Aye	Harlow	-	Aye
3	Campbell	-	Aye	Harper	-	Aye
4	Cate	-	Aye	Harrington	-	Aye
5	Champoux	-	Aye	Heliker	-	Aye
6	Choate	-	Aye	Holland	-	Excused
7	Conover	-	Aye	Jacobsen	-	Aye
8	Cross	-	Aye	James	-	Aye
9	Dahood	-	Aye	Johnson	-	Aye
10	Davis	-	Aye	Joyce	-	Aye
11	Delaney	-	Aye	Kamhoot	-	Aye
12	Driscoll	-	Aye	Kelleher	-	Aye
13	Drum	-	Aye	Leuthold	-	Aye
14	Eck	-	Aye	Loendorf	-	Aye
15	Erdmann	-	Aye	Lorello	-	Aye
16	Eskildsen	-	Absent	Mahoney	-	Aye
17	Etchart	-	Aye	Mansfield	-	Aye
18	Felt	-	Absent	Martin	-	Aye
19	Foster	-	Aye	McCarvel	-	Aye
20	Furlong	-	Aye	McDonough	-	Aye
21	Garlington	-	Aye	McKeon	-	Aye
22	Gysler	-	Aye	McNeil	-	Aye
23	Habedank	-	Aye	Melvin	-	Aye
24	Hanson, R. S.	-	Aye	Monroe	-	Nay
25	Hanson, R.	-	Absent	Murray	-	Aye

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Noble	-	Aye	Skari	-	Aye
Nutting	-	Aye	Sparks	-	Aye
Payne	-	Aye	Speer	-	Aye
Pemberton	-	Aye	Studer	-	Aye
Rebal	-	Aye	Sullivan	-	Aye
Reichert	-	Aye	Swanberg	-	Aye
Robinson	-	Absent	Toole	-	Absent
Roeder	-	Aye	Van Buskirk	-	Aye
Rollins	-	Aye	Vermillion	-	Aye
Romney	-	Aye	Wagner	-	Aye
Rygg	-	Aye	Ward	-	Absent
Scanlin	-	Aye	Warden	-	Excused
Schiltz	-	Aye	Wilson	-	Aye
Siderius	-	Aye	Woodmansey	-	Aye
Simon	-	Aye	Mr. President	-	Aye

CLERK HANSON: Mr. President, eighty-nine Delegates voting Aye, one voting No.

PRESIDENT GRAYBILL: Eighty-nine having voted Aye and one having voted No, the compact with the United States is adopted. Now, ladies and gentlemen, we do not want to start the Education style and drafting until after the noon recess. Have in mind that the Public Health style and drafting will probably be taken up this afternoon on a motion to suspend the forty-eight hour rule. If we finish both of those, we will start General Government this afternoon, and I want

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to remind you that the committee chairmen -- I'd like to have a meeting of the committee chairmen in the legislative room immediately upon the noon recess.

Mr. Murray.

DELEGATE MURRAY: Mr. President, just a reminder that Rules will also meet and I would like to meet at fifteen minutes to one, realizing that we are going to recess until one o'clock, so I would move at this time that the Convention stand in recess until one P.M., this day.

PRESIDENT GRAYBILL: The motion is to recess until one, P.M. All in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: So ordered.

(Convention in recess at 11:35 A.M.)

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MONTANA CONSTITUTIONAL CONVENTION

48th Convention Day

Friday, March 17, 1972 Convention Hall

1:32 o'clock, P.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will be in order. The Convention will be in order. Members of the Committee, the Chair apologizes for being a half hour late, but believe me, we've been handling lots of business, so don't worry about it; and the business has been going well, so don't worry. Now, we were on Order of Business Number Five when the Committee recessed, and without objection we'll be back on Order of Business Number Ten. Is there objection? (No response) Very well. Mr Murray, will you make a motion on Order of Business Number Ten?

DELEGATE MURRAY: Mr. President, I move that the Convention resolve itself into the Committee of the Whole for consideration of business under General Orders.

PRESIDENT GRAYBILL: The motion is to resolve this Convention into Committee of the Whole. All in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: The Ayes have it.

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CHAIRMAN GRAYBILL: Very well. On Order of Business Number Ten we're now ready to take up Style and Drafting's Report Number Nine, on Education -- Ten -- so get before you the Committee on Style and Drafting's Number Ten on Education and Public Lands, and if you'll turn to page six, that's the easiest place to follow the text -- page six. Will the Clerk please read the title and section one of the bill?

CLERK HANSON: (Reading) Montana Constitutional Convention, 1971-72, Report of Committee on Style and Drafting Transition on Submission on Education and Public Lands, Number Ten. Reported March 15, 1972, John Schiltz, Chairman. Be it proposed by the Education and Public Lands Committee that there be an new article on Education, to read as follows: Article, Education, Section one. (End reading)

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section one, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, minor changes in style in section one, sub. one, and I make that motion as to section one, subsection one.

CHAIRMAN GRAYBILL: Very well. Is there discussion of section one, subsection one? (No response) All in favor of section one, subsection one of the Education article, say

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Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Section one, sub. two.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section one, subsection two, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, no changes except that this became a subsection instead of part of the main section.

CHAIRMAN GRAYBILL: Any discussion? (No response) Very well, section one, subsection two, all in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Section two -- subsection three.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does rise and report after having had under consideration section one, subsection three, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, I should have made this motion first -- on line

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eighteen, I move that the words, quality, and, free, be interchanged. Someone might slip a hyphen in there some time and make it read, system of quality-free public elementary and secondary schools. (Laughter)

CHAIRMAN GRAYBILL: Very well. Mr. Schiltz has style and drafted at this late date to reverse the words, quality, and, free, on line eighteen. All in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: All right, your sub-amendment is approved, Mr. Schiltz; now do you want to go ahead?

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section one, subsection three, Style and Drafting report number ten, it recommend the same be adopted, as amended. Otherwise, minor style changes; nothing significant.

CHAIRMAN GRAYBILL: Is there any discussion of section one, subsection three? (No response) All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: The Ayes have it, and it's

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adopted.

Will the Clerk read section two?

CLERK HANSON: (Reading) Section two, Public School Fund. (End reading)

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section two, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, may I first call your attention to the fact that these are not subsections; it's numeration of a series. Secondly, on line twenty-nine of page six, you'll see that the words, known as school lands, are not struck out. They are struck out over on page one and should have been struck out here. We operate with two typewriters, and they don't have a link between them. Otherwise, let me see -- oh, I have an amendment here. On line six, page seven, of this section, I move that we strike the words, no other, and substitute in lieu thereof, without. Now, that's awfully hard to read unless you go back to page one or two, then you'll see why I did it. At the top of page two, if we don't do that, it reads: All other grants of land or money made from the United States for general educational purposes or no other special purpose, and it reads better if we say, or without special purpose, so I offer that amendment.

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CHAIRMAN GRAYBILL: All right, the Chair understands that Mr. Schiltz has proposed two sub-amendments here, one to strike out just on the page six version of section two, the words, known as school lands, on line twenty-nine; and also, on line six on page seven, to strike out the words, the other --

DELEGATE SCHILTZ: No other.

CHAIRMAN GRAYBILL: No other, and substitute the word, without. So many as are in favor of allowing Style and Drafting Committee those preliminary amendments, please say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: Okay, those were approved, Mr. Schiltz.

DELEGATE SCHILTZ: Before I make my final motion, I will say that the rest of it is minor style, and so I now move that when this committee does rise and report, after having had under consideration section two, Style and Drafting report number ten, it recommend the same be adopted, as amended.

CHAIRMAN GRAYBILL: Is there discussion?

(No response)

Very well, section two, as amended, all in favor, say Aye.

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DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, Nay.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: The Ayes have it. It's adopted. Section three.

CLERK HANSON: (Reading) Section three, Public School Fund Inviolate. (End reading)

Mr. Chairman.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section three, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, there are no changes.

CHAIRMAN GRAYBILL: Section three, all in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Section four.

CLERK HANSON: (Reading) Section four, Board of Land Commissioners. (End reading)

Mr. Chairman.

DELEGATE SCHILTZ: Mr. Chairman, I want to make an amendment here. If you'll direct your attention to line twenty on page seven, and -- wait, I have to be careful here.

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All right, I want to make it read this way, Mr. Chairman; I think that it's the best way to say it: the authority to direct, control, lease, exchange and sell, and then I want to strike, of the, at the end of that line; so it will amount to inserting after the first, the, on line twenty, the words, authority to, and then striking the, -ion, on, direction, and the, -ing, and substituting an, e, for, leasing, and, sell, instead of, sale.

CHAIRMAN GRAYBILL: And the, of the, at the end of the line?

DELEGATE SCHILTZ: That's struck, yes.

CHAIRMAN GRAYBILL: All right, Mr. Schiltz has proposed an amendment to section four so that the sentence beginning at the end of line nineteen will read: It has the authority to direct, control, lease, exchange and sell school lands and lands which have been or may be granted, et cetera.

DELEGATE SCHILTZ: Mr. Chairman, this we can call the Eck Amendment. Mrs. Eck correctly pointed out that we had gerunds and various other participles, and so we struck them all out so they're uniform.

CHAIRMAN GRAYBILL: Very well. All in favor of allowing this pre-amendment to section four, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

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CHAIRMAN GRAYBILL: Now you want to move section four?

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section four, Style and Drafting report number ten, it recommend the same be adopted. Otherwise, Mr. Chairman, we have rather minor style changes.

CHAIRMAN GRAYBILL: Section four.

DELEGATE SCHILTZ: I think I said, as amended; if I didn't, I meant to.

CHAIRMAN GRAYBILL: All in favor of section four, as amended, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Section five.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section five, subsection one, it recommend the same be adopted. Mr. Chairman, minor style changes in subsection one of section five.

CHAIRMAN GRAYBILL: Any question about five, sub. one?

(No response)

CHAIRMAN GRAYBILL: All in favor of five, sub. one,

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say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Five, sub. two.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section five, sub. two, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, minor style changes -- we inserted the word, public, in front of, school funds; otherwise, struck some unnecessary verbiage.

CHAIRMAN GRAYBILL: Any discussion of five, sub. two?

(No response)

CHAIRMAN GRAYBILL: Very well. All in favor of five, sub. two, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Section six, Mr. Clerk.

CLERK HANSON: (Reading) Section six. Aid Prohibited to Sectarian Schools. (End reading) Containing two subsections.

Mr. Chairman.

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DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section six, sub. one, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, we did some rearranging in this case, but didn't affect the substance in any case, and I think improved the style.

CHAIRMAN GRAYBILL: Any discussion on section six?

(No response)

CHAIRMAN GRAYBILL: All in favor of section six, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: That's six, sub. one.

DELEGATE SCHILTZ: Right.

CHAIRMAN GRAYBILL: Six, sub. one is adopted. Sub. two.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does rise and report, after having had under consideration section six, sub. two, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, there are no changes in sub. two.

CHAIRMAN GRAYBILL: Six, sub. two. Any discussion?

(No response)

CHAIRMAN GRAYBILL: All in favor of six, sub. two,

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say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: No.

CHAIRMAN GRAYBILL: It's adopted. It was close, but it's adopted.

Section seven.

CLERK HANSON: (Reading) Section seven. Non-Discrimination in Education. (End reading)

Mr. Chairman.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does rise and report, after having had under consideration section seven, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, there are no substantive changes. We did insert instead of, person, of line twenty-eight, teacher or student, and I think we borrowed some of that from the comments, and I have gone over it with Mr. Champoux, and he had no problem there. We didn't know -- we couldn't see that any such tests would be applied to anybody other than teachers or students, and so that could be a basic change or a substantive change, but I don't think it is.

CHAIRMAN GRAYBILL: Very well. Section seven, all in favor say Aye.

DELEGATES: Aye.

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CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Section eight.

CLERK HANSON: (Reading) Section eight. School District Trustees. (End reading)

Mr. Chairman.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section eight, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, no substantive changes; changes in style only.

CHAIRMAN GRAYBILL: Is there any discussion of section eight?

(No response)

CHAIRMAN GRAYBILL: Very well. Section eight, all those in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: Section eight's adopted. Section nine, Mr. Clerk.

CLERK HANSON: (Reading) Section nine. Boards of Education. (End reading) Containing three subsections.

Mr. Chairman.

DELEGATE SCHILTZ: Mr. Chairman, I want to move to

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amend line thirty of page nine, by striking out the word, state. That just slipped in there, or it didn't slip in there, we just forgot to take it out. We've taken it out everywhere else.

CHAIRMAN GRAYBILL: Very well. All in favor of taking, state, before, state superintendent, out of line thirty, so it just reads, and superintendent of -- all in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: That's done. Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does rise and report, after having had under consideration section nine, subsection one, it recommend the same be adopted. Mr. Chairman, in connection with this entire section nine, I should say that it's been completely rearranged and largely -- if you'll recall the debate, Mr. Harper made the amendment after a long, hot afternoon, and we got one of those things that said, if there's any problems here, we'll leave it up to Style and Drafting, and we took him at his word. I checked with him early this morning, and he thought it was fine, and then I fine-tooth combed it with Mr. Champoux, and Mr. Champoux has no problems. There are a couple of minor things that Mr. Champoux and I talked about, and I think I can

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satisfy him on those privately, without any amendments. Now, as to subsection one, those are all style changes, but all the substance is there. As to subsection two, when we get to it, it used to be subsection three; we reversed the order of those two boards, and so now I move the adoption of subsection one.

CHAIRMAN GRAYBILL: Very well. Mr. Rygg, you have a motion here. Do you want to take it up at this time, or --

DELEGATE RYGG: I don't believe it's on subsection one. It's in this same section, if you want me to make it now.

CHAIRMAN GRAYBILL: Well, it's in subsection two?

DELEGATE RYGG: Yes, I believe -- it's in two, now, I believe, what was three. It would be in two, now.

DELEGATE SCHILTZ: Mr. Chairman, just to be very careful about those two sections, it's safer to look over on page four, or the bottom of page nine and four, to see how they've been reversed. They've been cut up quite a lot, and I think they make easier reading over on page three and four.

CHAIRMAN GRAYBILL: All right. Well, I take it there's no problem with subsection one, then. Is there discussion of subsection one?

(No response)

CHAIRMAN GRAYBILL: Very well; all in favor of subsection one, say Aye.

DELEGATES: Aye.

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CHAIRMAN GRAYBILL: Opposed?

DELEGATES: No.

CHAIRMAN GRAYBILL: It's adopted. Now let's take subsection two, on page ten. In other words, we'll take them in subsection number, but they're out of sequence here. Subsection two is the old subsection three, the Style and Drafting Committee apparently reversing the order of these two boards and the description, is that correct, Mr. Schiltz?

DELEGATE SCHILTZ: That's right. You see, we -- all right, go ahead.

CHAIRMAN GRAYBILL: Discuss subsection two, (a) and (b) and (c), on page ten, please, line four to twenty-two.

DELEGATE SCHILTZ: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: I move that when this committee does rise and report, after having had under consideration section nine, subsection two, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, these are style changes. It would take an awful lot of explanation to show how we revised all these various things and tried to make the two boards parallel, but they are only style -- no substantive changes.

CHAIRMAN GRAYBILL: All right. Now, at this point we're discussing the Board of Regents, right? Mr. Schiltz? Subsection two will now be the Board of Regents?

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DELEGATE SCHILTZ: That's right.

CHAIRMAN GRAYBILL: All right. Now, Mr. Rygg, would you like us to read your proposal?

DELEGATE RYGG: Please, Mr. Chairman.

CHAIRMAN GRAYBILL: Do you want to read Mr. Rygg's proposal?

CLERK HANSON: (Reading) Mr. Chairman, I move to suspend the rules for the express purpose of reconsidering line twenty-one on page four, Article Nine. (End reading)

CHAIRMAN GRAYBILL: It's line twenty-one, page ten.

CLERK HANSON: Line twenty-one, page ten, right.

CHAIRMAN GRAYBILL: Of Article Ten. All right, Mr. Rygg, I'm allowing you a motion to suspend the rules for the purpose of reconsidering line twenty-one on page ten. Mr. Rygg's motion further says: My intent -- he has to tell his intent to do this -- My intent would be to add the words, accounting and, after the word, same -- after the word, same -- so it would be, are subject to the same accounting and audit provisions. Now, that's his purpose and his motion is to suspend the rules. Is there discussion of the motion to suspend the rules?

Mr. Rygg.

DELEGATE RYGG: May I speak on this a moment? I admit I'm really quite concerned about the fact that our university system is now a complete autonomy with very little

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control by the legislature. In fact, I suppose I think we've created another Highway Department. However, this body has shown that that's its desire, so I'm not going to attempt to insert the words, as provided by law. I feel about the only control a legislature has now is the purse strings, and really, the purse strings aren't much control in education, because we have to give money to education. So I feel that really all that's left is accountability, as far as the legislature is concerned, and I don't think that just an audit will do much good, because auditors can audit anything, but unless there is a unified system of accounting, it's pretty hard show a statement that can be read by legislators or any committee or anything like that. So, my thinking is that I believe we should include all institutions in a unified accounting system over the state. I believe it's nearly implemented now. I think that they hope to have it done by July 1st of this year, and I think it's important enough to include it in there. The Revenue and Finance Committee was considering a proposal like this, but we didn't put it in the Constitution, actually, as a general thing, but our comments did stress very much that we thought it was very important. So my only intent, if this should pass, would be to add those two words so that we could have statewide accounting in there so that an audit would really mean something, so the legislature could have true accountability. Thank you, Mr. Chairman.

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CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Is it within the rules, sir, that I may answer that and defer, after a few comments, to Mr. Heliker for an argument?

CHAIRMAN GRAYBILL: You want to ask what?

DELEGATE CHAMPOUX: Is it within the rules that I may answer that, very briefly, with just a few sentences?

CHAIRMAN GRAYBILL: You may answer it briefly, but stick to the facts of whether or not the rules should be suspended to do this.

DELEGATE CHAMPOUX: Then later may I defer to Mr. Heliker after I make my two sentences?

CHAIRMAN GRAYBILL: Certainly, everybody can discuss.

DELEGATE CHAMPOUX: All right. First of all, I am absolutely opposed to this. This will accomplish what we spent eight hours debating, which means that all the control is back in the state house. When you're involved in accounting procedures, you're also involved in managerial decisions. It's just simply another way of getting the same kind of controls. Now, at this point, I'd like to defer to Mr. Heliker. Thank you.

CHAIRMAN GRAYBILL: Mr. Heliker.

DELEGATE HELIKER: Well, I have, Mr. Chairman, nothing in essence to add to what Mr. Champoux has said,

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except to say that the intent of this amendment is to emasculate the decision that we made to give the Board of Regents managerial authority. If the director of the State Department of Administration is able to impose internal structure of accounting procedures on the University System, then it means it can take away the managerial flexibility, managerial power of the Board of Regents, and put it in the Department of Administration, and this will completely subvert what we debated for many hours and decided to do the other day.

CHAIRMAN GRAYBILL: All right. Now, I'll allow other discussion, but I'm going to hold you closely to the concept of whether we should suspend the rules. We now -- I think everybody now sees what the issue is going to be. Mr. Furlong.

DELEGATE FURLONG: Mr. Chairman, would Mr. Rygg yield to a question?

CHAIRMAN GRAYBILL: Mr. Rygg.

DELEGATE RYGG: Yes, I will.

DELEGATE FURLONG: Delegate Rygg, is there anything in this subsection two, or anything else in Revenue and Finance that you know of that would prevent the state from implementing in all subdivisions, as a matter of fact, a uniform accounting procedure?

DELEGATE RYGG: Well, I think the way this is written, it could, because they have complete autonomy. I

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don't think any other section has it, any other department has it because I don't think they have the autonomy that this particular one has right now. I think that's why it's needed in this one, yes.

DELEGATE FURLONG: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Furlong.

DELEGATE FURLONG: I would resist the reconsideration, because I don't believe it's necessary. I believe the state has the authority to establish a uniform accounting procedure throughout the whole of the state. I think they're well on their way to doing it right now, and there's really no purpose in reopening this to accomplish what I think is already being accomplished.

CHAIRMAN GRAYBILL: Mr. Martin.

DELEGATE MARTIN: Mr. Chairman, I resist the motion to suspend the rules, in keeping with a continuing policy of the dinosaur. I was in support of the position of Mr. Rygg, but in this case, I think that we would do just as we did yesterday on the Right to Know. We would talk for three hours and end up with just exactly the same position.

CHAIRMAN GRAYBILL: Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. Chairman, I'd like to just remind the members of the Convention that reconsideration, this is the only opportunity that a one-body house has of looking over what we just did. This is really something that

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we offer to the people that feel that something has been done that they can't quite agree with. Now whether you agree with what he's trying to do or not, I still think that in the way that this body operates, this is the only opportunity he has to say that he isn't satisfied with what we did another day. I think we should give him the opportunity to reconsider. I think we should give anyone an opportunity to reconsider pretty near any motion that they want to bring up.

CHAIRMAN GRAYBILL: Mr. Toole.

DELEGATE TOOLE: Mr. Chairman. I'll be very brief. This is just a hashing over what we hashed over. It's an attempt to ram down the throats of the University System an accounting system to which they cannot possibly adjust, and I suggest to you that if there is uniformity of accounting required, that this can be done by computers.

CHAIRMAN GRAYBILL: Mr. Artz.

DELEGATE ARTZ: Mr. Chairman. There's been about ten to fifteen years spent trying to get a uniform system of accounts for the state of Montana.

CHAIRMAN GRAYBILL: Mr. Artz, how's that -- that's argument, isn't it? I don't want to interrupt you, but --

DELEGATE ARTZ: No, I merely answered Mr. --

CHAIRMAN GRAYBILL: I'm interested in arguing the issue of whether we should suspend the rules. I don't care how long ago we've had accounting or where we are in the

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accounting business, we'll debate that if we suspend the rules. Now, if you want to say you're for it or something, that's fine, but don't talk about the accounting system yet. In other words, the motion is to suspend the rules. Are you for or against that, and what are your reasons? And they're not supposed to be the reasons that we're going to debate later.

DELEGATE ARTZ: Well, the reason I was for it, Mr. Chairman, and stop me the minute I get out of order, but we had hired Touche, Ross, Bailey and Smart to come in and determine that we needed this. We thought we still needed it, and their statement said: Accounting systems have developed more or less independently of each other, Consistent application of generally accepted government accounting practices and principles does not exist. This deficiency makes the interpretation and comparison of financial information for planning, operating and controlling government activities difficult, and in some cases, nearly impossible.

CHAIRMAN GRAYBILL: All right. Now, that seems to the Chair to be clearly argumentative.

DELEGATE ARTZ: Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: The issue is clearly drawn here that if we suspend the rules we're going to debate accounting in the University System, but I want to know if you have any more to say about whether or not we should suspend

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the rules, not about the accounting system.

Mr. Drum.

DELEGATE DRUM: Mr. Chairman, I too would support a suspension of the rules. I think the question is so important for the future of all involved, that if there is any question in the minds of this body here, I think this is the time to clarify it and come to an agreement.

CHAIRMAN GRAYBILL: Mr. Arness.

DELEGATE ARNESS: Mr. Chairman, I have previously felt like Mr. Martin, that it wasn't proper to reconsider, and I've resisted all the prior motions to reconsider. After listening to Mr. Eskildsen, it has occurred to me that the reasons that I have formerly felt that it was improper to reconsider for, were reasons that would be more properly applicable in a court rather than in a deliberative body. Since this is not a judicial proceeding, but in fact a deliberative proceeding, I think that it is proper for us to reconsider, and I have decided that I have been wrong, so I publicly confess the error of my ways, and I intend from now on to vote for rather than against reconsideration every time it comes up. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harlow.

DELEGATE HARLOW: Mr. Chairman, being a strong advocate of unicameral system, and this being a unicameral body, and you must reconsider things in unicameral -- you can't

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put it over to somebody else to do, I am strongly in support of the motion to reconsider.

CHAIRMAN GRAYBILL: Very well. The motion is to reconsider -- the motion is to suspend the rules so we can reconsider; it's Mr. Rygg's motion, and his purpose is to consider line twenty-one -- I think the Chair will rule that the purpose will be to consider anything under sub. (d), which would be lines twenty, twenty-one and twenty-two, because I don't want to fix it so we can only talk about one gap in the sentence. If we reconsider, it will be to consider the matter of: The funds and appropriations under the control of the Board of Regents are subject to the same audit provisons as are all other state funds. Now, so many as shall be in favor of that, vote Aye on the voting machines, and opposed, No. It is not a roll call vote, but I must know the total, since the rules provide that it requires two-thirds or fifty-one per cent, whichever may be less.

Has every delegate voted?

(No response)

CHAIRMAN GRAYBILL: Does any delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well. The ballot is fifty-two to reconsider, forty-two not to, so we will reconsider; or we will suspend the rules, rather -- suspend the

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rules. All right, now, Mr. Rygg, do you want to make a motion to reconsider?

DELEGATE RYGG: Mr. Hanson has it.

CHAIRMAN GRAYBILL: All right, Mr. Hanson will make the motion. Mr. Hanson.

DELEGATE HANSON: Mr. Chairman, having voted on the prevailing side on the question involved, I now move that we reconsider section nine, subsection three, or whatever it is -- part three, for the express purpose of adding the words, accounting and -- I can't read my writing -- before the word, audit, on line twenty-one, page ten, of the Style and Drafting report.

CHAIRMAN GRAYBILL: Mr. Hanson, will you allow me to state your motion as nine, three, (d), the way I said it awhile ago, so everybody is together?

DELEGATE HANSON: Yes, I will; right.

CHAIRMAN GRAYBILL: Nine, three, (d) -- the motion is to reconsider section nine, three, (d). Well, it's nine, two, (d); it used to be nine, three, (d). Okay. It's sub. (d), lines twenty to twenty-two on page ten. All right, the motion to reconsider has been made.

DELEGATE HANSON: Mr. Chairman, I'd like to defer at this time to my accountant, Delegate Artz.

CHAIRMAN GRAYBILL: Mr. Artz, can you discuss the motion to reconsider?

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DELEGATE ARTZ: Mr. Chairman, I'm all in favor of the motion to reconsider, but I'm not sure under the rules exactly what I can say, but we do need a lot of change. We need those words in. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: All right. The motion is to reconsider section nine, three, (d), of the Education Article. All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Ayes have it, and the motion carries. Mr. Rygg.

DELEGATE RYGG: Mr. Chairman, I move to amend nine, two, (d), on line twenty-one, by adding the words, accounting and, after the word, same, so that it would read: The funds and appropriations under the control of the board of regents are subject to the same accounting and audit provisions as are all other state funds.

Mr. Chairman.

CHAIRMAN GRAYBILL: Very well, everyone should understand that he wants to add the words, accounting and, on line twenty-one, after the word, same. Mr. Rygg.

DELEGATE RYGG: Mr. Chairman. Basically I have covered this before. I'm not going to belabor the point. I honestly feel that we're not doing away with what we did before.

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I don't think this is in any way hurting the autonomy of the University System. I feel that there has to be some regulation from the legislature; I think, because they are spending the taxpayers' money, I just think that we have the right to have the accountability of it. I don't believe that such an accounting system is going to overturn the internal policies, because -- the one they're working, I think, is now a WICHE program, which is used in all states, and from all the information I can gather, it's not going to work a hardship on the university. I think it's true that probably the Controller can switch that into it, but it still would come out the same. There is another reason for this, too. We have required in the previous section, I think it was, that they have unified budgets, and unless the accounting procedures are the same, it's going to be very difficult to anyone to work out a budget, because I can't imagine that just a sum brought into the Appropriations Committee is going to be acted on that way. I think they are going to have to have some knowledge of what it is, and I think the six universities are also going to have to have some knowledge of rearranging this in case they wouldn't get the full amount. And, as it has been in the past, the four main captions probably of Personnel, Capital, Operating Expenses have not always been the same in each institution. Under Operating Expenses in one, there will be several account numbers, and the other institution

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it'll be different, and the same with the other headings. When you do it that way, it's just about impossible to know how you're appropriating it or how it's being spent. So I have given up the idea of getting a control of the University System, as I said, and this is strictly an accounting procedure and showing the accountability, and I can't understand why it should hurt anything in the University System. They're nearly on it now. I just want to make sure that an audit will mean something, and I don't think it's meaningful unless the same accounting system is throughout the system, and I think the legislature and the Appropriations Committee are entitled to have a readable financial statement, whereas if it were the other way, it would just be the auditors that could read it. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Barnard.

DELEGATE BARNARD: Mr. President, I rise in support of the motion to amend. I think that if I were sitting at the head of one of the University Systems, I'd want this accounting system in my own self defense, because of the fact that I'm using public money. I would want to be sure that the public knew where the money went and how it was used and if it was used in the way it should be, and there's quite a little difference between an audit and an accounting system, and again, I think the people of the University System and the Board of Regents are -- that the people are entitled to

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know where this money went and how it went.

CHAIRMAN GRAYBILL: Mrs. Eck.

DELEGATE ECK: Mr. Chairman, would Mr. Rygg yield to a question?

CHAIRMAN GRAYBILL: Mr. Rygg.

DELEGATE RYGG: Yes, I'll try.

DELEGATE ECK: Mr. Rygg, I'd like to know just how much this -- accepting the state auditing means; would it mean, for instance, that there would be pre-auditing where expenses would have to be approved by the state beforehand, and would it go over into the area of personnel, at all?

DELEGATE RYGG: Not to my understanding of it, no; it's just that the actual bookkeeping, accounting numbers, would mesh with what the state has, even if it has to go through a computer to do it. It's just so they can have an accountability of where the funds were appropriated and where they were spent. As far as I know, it has nothing to do with pre-audit. I know that Mr. Champoux is showing me what North Dakota did, and in that it included a pre-audit, but I didn't think that could be done here, because I think they'll handle that right in their own, the way it's set up.

DELEGATE ECK: Mr. Chairman, would Mr. Artz yield to a question?

CHAIRMAN GRAYBILL: Mr. Artz.

DELEGATE ARTZ: Yes.

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DELEGATE ECK: Mr. Artz, would you also agree that this wouldn't affect either any checks on personnel or on pre-auditing?

DELEGATE ARTZ: Delegate Eck, as far as I'm concerned, the only purpose of adding this word is to see that we have a uniform system of accounting throughout the state. Now, as I tried to mention at first, the Forty-first and the Forty-second Legislative Assemblies made specific appropriations to get this done. They hired an outside firm, a national firm, Touche, Ross, Bailey and Smart, one of the eight national firms in the United States, to make this, and they came back, as I mentioned at first, and said that there was a terrific lack of uniformity; and all we're trying to do is, we don't care how the University System, or where they buy their apples or where they buy their oranges, but we want them classified as apples and oranges, the same as everybody else does. In other words, to insure that when the legislature gets reports, they will be in conformity with the reports they get from the other state agencies. It's taken about fifteen years to get this accomplished, and I'd certainly hate to see one branch of the government, or one agency of the government slip out through this thing we put in here the other day. Does that answer your question?

DELEGATE ECK: I believe it does. Thank you very much.

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CHAIRMAN GRAYBILL: Mr. Driscoll.

DELEGATE DRISCOLL: Mr. Chairman. I rise in support of the amendment, and I'd just like to say a word to the body here. I hope they've listened to the words of Mr. Lloyd Barnard with a deep sense of care. I'm sure you're all aware that Mr. Barnard was in this position as Chairman of the House Appropriations Committee.

CHAIRMAN GRAYBILL: Mr. Toole.

DELEGATE TOOLE: Mr. Chairman, I wonder if the body realizes the fundamentally unique nature of an institution of higher education. To try to impose a businesslike system of accounting on a University System has proven to be unworkable and impractical. As Mrs. Bugbee said at length the other day, you find Deans, highly paid Deans, running around with requisition orders for paper clips and typewriters, and I'm not going to repeat that over and over again. But to try to impose this, we found that after the University System came under the Department of Administration there was greatly increased cost to the University System, by reason of having to comply with a system of accounting that was designed for something like the Fish and Game Department, or the Board of Health, or something else. You have a completely unique type of institution which does not lend itself to the kind of an accounting system that Mr. Artz is talking about. I know from personal experience in dealing with the university that this imposition

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of a uniform accounting system on the university has greatly increased their costs, immeasurably increased their costs, and I think they simply have to be let alone to work out their accounting system in the best interests of the student body and of the people of Montana. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. McDonough.

DELEGATE McDONOUGH: This will be short, Mr. President. We spent, oh, fifteen minutes to an hour or two on the public's right to know in the Bill of Rights section. I think this is just as important as the public's right to know. What we're actually doing by putting this in here and making uniform accounting methods is that the legislature also has the right to know, and so doesn't the public have the right to know how the money is to be expended and has been -- not to be expended, but has been spent; and this is only a logical deal to implement -- and very efficiently implement -- the legislature's and the public's right to know how the money is spent in the University System.

CHAIRMAN GRAYBILL: Mr. Heliker.

DELEGATE HELIKER: Mr. Chairman, I'm not an accountant and I will not be able, therefore, because I've not been immersed in this question as an accountant would be, but I have consulted with University System accountants on this matter. This is not a question of accountability. We have written accountability into the section as it is now

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written. It is a question of managerial control. Now, I have a five-page brief on the subject here, which I am not going to read to you in its entirety, but because I think you must be informed on this as to exactly what the issues are, I'm going to ask you to bear with me for a few minutes while I read part of it. Unquestionably, and I read from this report, unquestionably, a state supported university is part of a larger accounting entity, the state, which is subject to specially formulated and defined governmental accounting principles which apply to the state as a whole. However, unlike most other state agencies, a university is subject to generally accepted accounting principles of its own, which must take precedence in designing an accounting system if the information and reports provided by that system are to be meaningful. This concept is widely accepted by the profession as evidenced by Donald C. Bruggeman and Gerald D. Brighton in October, 1963, issue of Accounting Review, where they state, quote: There is truly a separate and distinct set of generally accepted accounting principles for colleges and universities. What, then, are these generally accepted accounting principles as applied to universities, and what constitutes authoritative support for these principles? The general answer to the first part of the question is the principle of separate, distinct fund groups. This broad principle is recognized by W. Lynn Fluckiger, C.P.A., in

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the August 1963 issue of the Journal of Accountancy, where he writes: One other concept peculiar to reporting for fund type enterprises should be mentioned. While an institution will have only one general fund, it might have many, perhaps hundreds, of designated funds. In such cases, it becomes obviously desirable that these funds be grouped for reporting purposes. When funds are grouped, it is necessary that they be grouped by like purposes and restrictions so that the assets applicable to them can be reported jointly and the various accounting statements when combined will be meaningful. The fund groups which are applicable to the various types of institutions are usually designated in the related accounting literature. The composition of these groupings should be followed carefully. Specifically, the need for this principle of separate fund groups as applied to universities was stated in the Finance of Higher Education, by J. D. Russells, as follows: The separate nature of each of these fund groups cannot be too strongly emphasized. In dealing with each kind of asset, the institution should consider itself practically a separate enterprise. Thus, in caring for current funds, the institution acts as an operating corporation. In handling student loan funds, it acts as a commercial credit agency. In managing endowment, its actions are those of investment trusts. The accounting procedure must segregate the transactions in each fund group just as vigorously as if

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entirely separate managing corporations were involved. A review of the nation's colleges and universities would soon reveal that College and University Business Administration, Revised Edition, is by far the most widely used accounting reference. That this edition recognizes the principle of fund group accounting is evidenced by the following article in the March 1969 Journal of Accountancy. That authority continues to recommend as a basic principle that the accounts of colleges and universities should be classified in balanced fund groups, not only in books of account, but also in financial reports. In addition, all financial transactions should be recorded and reported by fund groups. The authors of this article, Ralph S. John, C.P.A., Howard A. Whitney, C.P.A., are partners of the national C.P.A. firms of Haskins & Sells, and Peat, Marwick, Mitchell & Co., respectively. They represented their firms, which in turn were chosen by the A.I.C.P.A. to represent the profession as consultants to the American Counsel on Education. This article also recognized the general acceptability of College and University Business Administration, Revised Edition, with the following: In the opinion of the writers, the College and University Business Administration, Revised Edition, is the authoritative guide in accounting for colleges and universities. It is well prepared and contains as complete a statement of accounting principles applicable in a specific area in accounting as is

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currently available in any area. Having established that there is a distinct set of generally accepted accounting principles to apply to universities, it then becomes necessary to address the conflict that arises when, as in the proposed Statewide Budgeting Accounting System, proposed by the director of the Department of Administration, does, an attempt is made to include a university accounting system under the same broad funds that apply to a state government. Basically, the problem arises because of a misconception in the definition of fund groups. That is, that a direct correlation can be drawn between the funds in a state accounting system and the fund groups in a university accounting system. For example, it may appear at first glance that a state general fund may correspond to a university's current unrestricted fund group; or that a state, federal and private revenue fund may correspond to a university's currently restricted fund group; or that a state agency fund may correspond to a university agency fund group. When these assumptions are approached with adequate knowledge of a university's accounting problems, however, these simplistic correlations soon prove false. An attempt, therefore, to force a university accounting system into the broad spectrum of a state government system, without special recognition of the uniqueness of university accounting, will result in the production of inaccurate and inadequate information, at best, and mass confusion and substantially

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increased workloads, at worst. Now, I read you just enough to give you an idea of what is involved. This is a highly technical matter, but the nub of the matter is this: that the Department of Administration does have the authority now to require a reporting framework, which is controlled by the director of the Department of Administration, in the disbursement of funds. All of the funds of the University System are kept in the State Treasury, and state warrants must be drawn and processed by the Treasurer, and charged to an account that is structured in the Treasury, and which the director of the Department of Administration has the power to control. Now, the proposal which the state director has made would give him the authority to structure not only that reporting framework, but the internal accounting of the University System, which is a management tool and without which the University System will find it difficult to manage. Now the legislature and executive have plenty of authority, without having the authority to structure the internal accounts of the University System, to control the University System. You have the purse strings held by the legislature; you have the post audit, legislative audit, by the legislature; you have the university accountable to the legislature through that procedure; you have the Governor on the Board of Regents. It is not conceivable that the Board of Regents could run contrary to the wishes of the Governor, as a matter of fact, with the Governor

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as the Chairman of this board. Now, these institutions that we are talking about, of higher education, are set up -- they're out there to do a very important and very special job for the people of Montana, and they are not set up to be the playthings of an accountant or set of accountants in the Department of Administration in Helena; and I say to you that what we adopted the other day, and what is contained in this provision is to give the Board of Regents and university administrations the power to manage those units effectively, and that is the power that I hope you will leave to them. I hope you will confirm that principle, but if you adopt this amendment, you will be reversing one hundred and eighty degrees and you will be imposing upon the University System, through the control of their internal accounting, effective managerial control by the Department of Administration.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Very briefly, if I may add to that, sir, let's note the fact that no Constitution -- none -- in the United States, has anything concerning accounting systems in it. Now, the university -- I want to emphasize this -- the university isn't against getting into the state accounting system. They aren't. Let's get that understood. Now, the problem is, they have their own accounting system. It's the educational accounting system. Now, what would be

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agreeable? It would be this, as Mr. Toole pointed out, that the state administration office work out a computer program and simply include the educational accounting system in the statewide system. And it is not something that you do through a constitutional amendment, and I want to make that clear. Now, let's look at this state accounting system. Let's really look at it. Well, we can't. You know why? It isn't in existence. So what we're talking about is a system that isn't in existence. Not only that, when the system was being proposed, the state accountants in the administration office did not go down and consult with any of the accountants in any of the educational units -- none of them. Now, my question is, I'm going to leave it with you; is this system ever going to change, this statewide system? Are all others going to change in the future? If we tie this in, it will be too inflexible. Does this mean, for instance, that we always will have a statewide system of accounting? Not necessarily, since we have lived without one for eighty-eight years. Thank you.

CHARIMAN GRAYBILL: Mrs. Speer.

DELEGATE SPEER: Will Mr. Heliker yield?

CHAIRMAN GRAYBILL: Mr. Heliker.

DELEGATE HELIKER: I yield.

DELEGATE SPEER: Mr. Heliker, you said that this was a matter of internal management, I believe.

DELEGATE HELIKER: Yes.

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DELEGATE SPEER: Now, does this not mean, then, that the courts could interpret, if this decision to include accounting were put in the Constitution -- could the courts not then interpret almost any internal management function as to be under the legislature?

DELEGATE HELIKER: Well, this is the heart of the managerial function. I have no idea what the courts would interpret.

DELEGATE SPEER: Well, my point is, Mr. Heliker, that this could be carried into far other areas through interpretation by the courts.

CHAIRMAN GRAYBILL: Mrs. Speer, are you finished?

DELEGATE SPEER: Yes, thank you.

CHAIRMAN GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Mr. Chairman, I've heard these good old decisions before, these old arguments -- we can't operate -- I've heard them for years, and I think this thing could operate just nicely under the government, the state government, legislature, Governor and all, and I don't see any sense in going out and giving them this exclusive right just because they're the University System. I don't know, maybe two and two isn't four in different accounting, but that's what I get back to, and I heard this discussion that they can't operate, and the people of this state voted for twenty departments, and in these twenty departments, the Governor

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and the legislature in their wisdom set up a Department of Business Administration, and all they have to do is live under it, and I'm sure that the university won't close if they get under the rest of our government.

CHAIRMAN GRAYBILL: Mr. Melvin.

DELEGATE MELVIN: Mr. Chairman, may I direct a series of questions to Mr. Rygg?

CHAIRMAN GRAYBILL: You may.

DELEGATE RYGG: I yield.

DELEGATE MELVIN: Mr. Rygg, it seems to me like we're beating all around the bush. Are we suggesting that because the accounting system that the University System has -- that it isn't adequate, or are we suggesting that some funds may be being spent that are covered or not being shown by the present accounting system?

DELEGATE RYGG: I don't know that we're suggesting that at all. We're just suggesting that we have everything in the state in the uniform system so that an audit can be meaningful. In talking with the budget, the post auditor, yesterday, he said they can audit anything and they can understand it, but unless it has a uniform system, they can't put out a meaningful statement that could be understood by a layman, so I think in the past there certainly has been some evidence of some things being covered up, but I don't think that's what we're aiming at now, no.

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DELEGATE MELVIN: One more question. Has there been any discussion that you're aware of, Mr. Rygg, between the legislature and the university units concerning the accounting system and the objection that they have to state accounting for the system set up by the state?

DELEGATE RYGG: Yes, there has been in the past. There's been a difficulty in reading them, and I think as Mr. Artz noted that in the last twelve or fifteen years they've been trying to get this coordinated so they would be in a statewide system, and I understand that they are now working under the WICHE system, which can be used and is used by other states, and does coordinate with the state system, and I think this is to be implemented very shortly.

DELEGATE MELVIN: Thank you.

CHAIRMAN GRAYBILL: Mr. Arbanas.

DELEGATE ARBANAS: Mr. Chairman, fellow Delegates, I would rise to support what Mr. Heliker said. I think I would be amiss not to give testimony to twenty years of some school administration to say how different it really is. I'm surprised with this move on the University System, so to speak, that we don't have a similar move on our grade school and high school system. I think we recognize the uniqueness of that control, and yet we want to take away, almost, from our university presidents that autonomy which is necessary to operate a school. I would find the move that's being made

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here not much more ridiculous, to me, anyway, with my experience, than to ask our elementary schools to take on the bookkeeping system of the Department of Agriculture, or our high schools to take on the bookkeeping system of our Highway Department.

CHAIRMAN GRAYBILL: Mrs. Cross.

DELEGATE CROSS: Mr. Chairman, again we come down to a difference in basic philosophy, and I think we all understand how many people are involved in a university system. It isn't just the teachers and the administrators. It involves a great many young people. I wonder if Mr. Rygg would yield to a question.

DELEGATE RYGG: Yes, I yield, Mr. Chairman.

DELEGATE CROSS: Mr. Rygg, in your remarks, it raised a question in my mind. Does each unit of the University System, then, do their accounting as each one wants to do it, or are the units within the system on a uniform system, or how much variation is there?

DELEGATE RYGG: I can't answer you on how much variation there is. There has been a great deal of variation in the past. They are gradually getting into being more uniform, but, yes, different universities in the six systems will have different account numbers under the account headings. That's true.

DELEGATE CROSS: Thank you.

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CHAIRMAN GRAYBILL: Mrs. Bugbee.

DELEGATE BUGBEE: Mr. Chairman, I would again like to repeat, no one has asked me to speak, not on this floor and not in the rest of the state. I really feel that it is absolutely tragic that this body cannot be able to read the Eisenhower report of 1957 before we vote on this. Essentially what they are saying is that all over the country this is happening as departments of state centralize and centralize their administrative procedures, that higher education coming under this is slowly being smothered. Now as I said before and I will repeat, also my husband feels this, with every passing month practically, the paper work is going up, the difficulty of getting the right size paper clips, the difficulty of doing this and doing that is absolutely drownding these people. If, Mr. Rygg, what you wanted was a unified accounting system between the university departments, that would be fine by me; but to put the whole higher education department under the Department of Administration, so that everything, all buildings go under them, this is what I object to and it seems to me this is what this amendment would mean. This is what I'd like to be sure of. You understand what I mean? If they have to be alike and unique, all six of them the same, that is fine; this sounds very logical to me. But it's when they come under the Department of Administration for every bloody paperclip, building, science building,

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complex and everything else, then higher education and the delicacy of teaching begins to fall apart, and this is the whole thrust of this Eisenhower report. I repeat, this is something that is happening nationwide, and it seems to me that we are going to do exactly what they are predicting is happening in higher education; it is becoming less and less sensitive to the need that it nees tc fulfill, which is teaching.

CHAIRMAN GRAYBILL: Mr. Drum.

DELEGATE DRUM: Mr. Chairman, I too would like to rise in support of the amendment and make a couple of comments. One, I've learned to respect Mr. Artz' wisdom. He's a Certified Public Accountant and he has used extremely good judgment in our Finance and Revenue Committee, and I am certainly willing to listen to him in this matter. I would suspect that if the universities or the higher education system were on a unified system of accounting, which probably the reason they are not now, and we have heard people say that they are striving for this at the present time, because I think they all recognize that higher education may be better off as a result of it; it's kind of painful at times, but the people who sold computers here several years ago happen to sell one flavor to one higher education unit and another flavor to another, and this is part of the problem now. But the people that I have talked to in higher education agree

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that this would be a good thing; but if the audit time of the legislative post audit could be cut, and unified accounting would certainly cut the time that they have to spend making the audit, I think it would effect quite a savings to the state. I think responsible people, whether it's in a business, or in education, or wherever, really learn to respect and desire good accounting systems, because it relieves the minds of those. It creates more efficiency and it makes them look like winners if we have good accounting. I'm not sure just what all the problems are that we have over at the university now, but good accounting may have eliminated some of those problems. Now, for each school, or each one to say, we have different problems here or different problems there, I would wonder if perhaps J. C. Penney might not have different problems in, say, their New York store, than they have, say, in the Billings, Montana, store. But they have overcome these problems, and the reason that J. C. Penney and Sears & Roebuck and people like that win, is because they have unified accounting. They create a situation where they save money and they pass it on to the taxpayers, or to the purchasers. I think perhaps this same result could come in our higher education system. It may be the tax saving down the road for the taxpayers of the State of Montana. And if the legislature -- the real important point is if the legislature can be better informed, it will be more responsive to the needs

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of the higher education, and the people will be more responsive. That is the important point, as I see it, Mr. Chairman. Thank you.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. Rygg's amendment to add the words, accounting and, on line twenty-one of page ten of the Education report of Style and Drafting. Mr. Burkhardt.

DELEGATE BURKHARDT: I haven't had time to check with the chairman of our committee; I would like to maybe ask him a question at this point in relation to this amendment. I wonder if Mr. Champoux would yield.

DELEGATE CHAMPOUX: I will yield.

DELEGATE BURKHARDT: Rick, I was going to write you a note, but what I was wondering was if for instance on line twenty-one, you read: The funds and appropriations under the control of the board of regents shall be accounted for in a uniform manner and then subject to audit provisions as are all other state funds; you would gain a nudge toward uniformity in between units, but you would not be turning over to the state administration department the managerial function. I wonder if this, as you look at it, would have some possibilities in terms of what the group really is seeking, and that is some kind of measurable and discernable, understandable accounting system, not necessarily the system of the state, but a uniform system within the various units of the system

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of education. Now, that's a long question. Let me read it to you again. After the word, regents, on line twenty-one, to insert, shall be accounted for in a uniform manner, comma, and subject to the same audit provisions as are all other state funds.

DELEGATE CHAMPOUX: Okay. First of all, let me say this, that within the university systems, there is a uniform system of accounting recommended by WICHE, the Western Interstate Compact Higher Education, which covers all of the western United States, all of the university systems, all the college systems -- they're all going to have the same kind of accounting. It's been recommended -- this kind of accounting has been recommended by the United States Commission on Higher Education. Now, it's estimated by -- they have all of it implemented in the different units right now. The only thing that's lacking is coordination between the units; they figure they'll have that finished by July, and this is another reason why -- you see, they've been working on this, they're ready to go on stream with it, it's working within the units. They're ready to go onstream with it between the units, and now they're being told, well, we've got to hold; wait a minute; we now want you to come in on the new kind of accounting system that the state's going to impose. Does that answer your question, sir?

DELEGATE BURKHARDT: Rick, as I read this, did it

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seem to you to be clear in its delineation of the function? In other words, it would still be under the control of the Board of Regents, but it would be necessary for them to account in a uniform manner, and you say it's already happening.

DELEGATE CHAMPOUX: Yes. If you want to add, internally, it would probably be better.

DELEGATE BURKHARDT: Internally?

DELEGATE CHAMPOUX: Yes. Would that be acceptable?

DELEGATE BURKHARDT: I would like to propose a substitute amendment for the amendment before us, which maybe I would trust our chairman of this committee to work on a bit and bring to you, Mr. Chairman, rather than myself in some kind of an offhand way; but I would so move that we put in a substitute amendment at this point, rather than the amendment which is now before us, and I would like our chairman of the committee to bring it forward, if he would.

CHAIRMAN GRAYBILL: I'm sorry; now, the Chair isn't going to accept a motion to amend that isn't in writing, that you're asking somebody else to prepare. Go out in the hall and prepare your motions; I don't care, but I'm not going to sit around; we're going to debate it while we do this.

DELEGATE BURKHARDT: Well, if you know that's what we're working on, why, maybe you won't vote too fast. Okay?

CHAIRMAN GRAYBILL: I don't control this system, I

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only run it. Mrs. Eck.

DELEGATE ECK: Mr. Chairman. I'll tell Mr. Burkhardt before he goes why I don't agree with what he's proposing, because I think that the difficulty here is in the very last phrase here, where the accounting system must be the same as those of other state agencies, or however it's worded.

CHAIRMAN GRAYBILL: Are all other state funds, as are all other state funds.

DELEGATE ECK: Yes. Right now the University System is developing a compatible system so they're compatible among themselves with other units. Now, I think that you could ask them to develop a system that is compatible with the system that our Department of Administration uses. I think you could have a system that is compatible with this system as well as being compatible with the system that is used throughout the University System. But really, to ask them to use the same system is making them possibly not compatible with whatever WICHE uses. I think that the real problem we're dealing with here is that it would be possible, and I think this is what the universities are afraid of, that the whole accounting procedure be moved, really, out of the hands of the Board of Regents and into the hands of the Board of Administration, and whereas all the Penney's stores all over the United States might be able to use the same accounting system, it might not be a system that would also be appropriate, say, for all the

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fish and game departments all over the country. In using a system of accounting as the states do in developing a program, planning and budgeting system, this is a little difficult at times to transfer into a University System, because a university has to evaluate based on different values other than cash values what their money is being spent for. For this reason, I think that university systems might find occasions where their system cannot be the same, even though it could be compatible, and I really think that this is what we're looking for; and I think if an amendment came up that would do this, it would be quite appropriate. Thank you.

CHAIRMAN GRAYBILL: Mrs. Bugbee.

DELEGATE BUGBEE: Mr. Chairman, Mr. Drum is a dandy person. I like him very much, but I really think it is simplistic to equate the University System to J. C. Penney's or Sears-Roebuck. Obviously, there are deep differences.

CHAIRMAN GRAYBILL: Mr. Conover.

DELEGATE CONOVER: Mr. Chairman, will Mr. Rygg yield to a question?

DELEGATE RYGG: Yes, Mr. Chairman, I'll try.

DELEGATE CONOVER: Sterling, by leaving this out the way it was written before, would this have any effect on the legislative audit that does now pertain to the University Systems?

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DELEGATE RYGG: Well, it'll make this difference in that the legislative post audit can post audit anything, you know, and they can audit it, no matter what system of books you have anywhere. But they would not be able to bring in a meaningful statement so that it could be read by the average legislator, or anyone in the Appropriations Committee. They can audit anything, any bookkeeping system, anywhere. But what they bring back, the statement would not be meaningful.

DELEGATE CONOVER: Thank you, Sterling. Well, the one thing that concerns me, then, why is the university so afraid of having somebody audit them? This I don't understand. I would like to hear from somebody to speak on this, except the professors from the universities. This is the only one that we've heard, is from that side. I'd like to hear the other side awhile. Thank you, Mr. Chairman.

DELEGATE TOOLE: Mr. Chairman, I'm far from being a professor at the university, but I've had a lot of experience with how the university operated before we had a Department of Administration, when it operated efficiently with a small crew and was able to conduct its affairs to the satisfaction of the people of the state of Montana, and there never was any problem with the accounting. But now since they're operating under the Department of Administration, there's an army of people out there at taxpayers' expense, running around

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trying to conform to accounting principles which are not adapted to higher education, and I submit to you that it is costing the taxpayers a great deal of money, which is not necessary if the University System were permitted to manage its own financial affairs. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Davis, you were up.

DELEGATE DAVIS: I think Mr. Roeder was ahead of me, sir.

CHAIRMAN GRAYBILL: Mr. Roeder.

DELEGATE ROEDER: Mr. Concver, I rise not to offer any apologia for the University System or its leadership, but I do think what I see here, the mutual distrust -- and perhaps it's deserved. I think there's a feeling on the part of some people; I think perhaps Mr. Rygg feels this way, that the university leadership does not always do what it ought to do, and maybe that's the case. On the other hand, I think the university people are deeply suspicicus of bureaucrats in Helena, and maybe that's as it should be, too, because, you know, really the two big problems of our society are garbage and bureaucracy. Now, I submit that there're probably real problems here, and there probably is basis in reality for both areas of suspicion, but if I may tear a page out of the book of Mr. McDonough here, the way to deal with this is in a normal political and administrative process and not in the Constitution. You've said in here that the Board of Regents shall be

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the governing body for the university. So be it. Work out the other problems in the course of normal political life.

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Mr. President, Delegates. The other day I thought it would be a good idea to have a little compromise here between the influential nonbureaucratic educating people who have control of a lot of funds, and the people that wondered about this and suggested we put the financial control in the legislature and give them complete academic freedom and complete administrative freedom. Now, when that didn't pass, and when you gave complete financial control, by a strong vote of this thing, well, let's leave it that way. That's what you gave it to -- the Board of Regents -- and if they got it, don't start writing accounting procedures in a Constitution. There's no place for it. Either go all the way, or stay home. One or the other; once you got this far, you might as well leave it that way. Now, I think, of course, you have a very strong consensus of people here in the educational field, which is more power to them. They ran and they got elected, and that's their baby; and they're not looking after their own salaries, I don't think, but they're interested in their field; and it is a big field. I don't agree with Mr. Toole when he gets up and calls the Highway Department a bureaucracy and then says that the education field is pure. I'm sure that there's lots of places in the

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field of education that money can be spent, too. But that's what they're going to work on. That's what you put the Board of Regents in there for; they're all citizens. They're going to run this thing; they're going to require accounting procedures, and they're not going to go to the legislature and say, we're not going to go without some accounting, because they know the legislature is not going to give them five cents unless they're satisfied. The legislature still has to appropriate the money. So I think you should stay with the majority report; forget about -- you've got this far with it, you've given complete financial, academic and administrative freedom, an autonomy in the University System, and that's where it is, and so you might as well leave it there. There's no use starting to qualify it at this late date in the game. And, you're going to have to rely upon the Board of Regents, and they have complete power -- not the administrators, not the educators -- the Board of Regents. If you have confidence in them, and they're appointed, and this is Friday, and remember it's the odd days when we have a great confidence in appointed people. It's the un-odd days that we have confidence in the elected people. So, you've got confidence, this being Friday -- let's keep it there, and let's stay with the majority and get this Constitution written.

CHAIRMAN GRAYBILL: Very well. Now, the issue is on Mr. Rygg's amendment to add the words, accounting and, to

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the line that says, the regents are subject to the same accounting and audit provisions as are other departments of the state. Mr. Burkhardt.

DELEGATE BURKHARDT: Because I was on my feet a moment ago, I felt I should stand and perhaps clarify where I am now in terms of a suggested way to go. I would urge the body to defeat, to defeat the amendment by Mr. Rygg. I will not be offering an amendment. I would hope that we would go as Mr. Davis has suggested, with the original language. I hope we will defeat Mr. Rygg's amendment.

CHAIRMAN GRAYBILL: Mr. Barnard.

DELEGATE BARNARD: Mr. President, I rise in support again of the motion of Mr. Rygg. I'd like to point out a few things from past experience. I put in eight years on the House Appropriations Committee, where every year I had to battle to get sufficient money for the University System to operate, and I know that the Appropriation Committee of this House, or the Revenue and Finance Committee of the Senate are not going to appropriate any money unless they have a full accounting of every single item that's spent in the University System. They may not even appropriate one dollar. It's always a battle to get money for the University System here, and in defense of the University System themselves, I think they owe this to the people.

CHAIRMAN GRAYBILL: Mr. Heliker.

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DELEGATE HELIKER: Mr. Chairman. As a rank and file teacher, I'm not an administrator; I told you the other day that a strong, unified management of the university would probably make life a little bit more difficult for me, as a rebel, sometimes, in the position of having to fight with administrators, but I come back to my old theme that if we are to use the people's money effectively and efficiently, and get the job of education done, we really need that managerial efficiency and unification. Now, speaking to this question of uniformity of accounts within the University System, the University System units are quite different. You have an Engineering School down at Bozeman. We don't have an Engineering School at Missoula. We have computer centers on both campuses, but the computer centers are for quite different purposes, because of the differences in the two institutions. If you force on those two units identical accounting systems, you will force on them identical management systems over their computer centers. This is one example, and there are many examples like this. And this simply is tying them to a straight jacket which is not efficient and which does not allow them to use their resources to the best purpose. There is absolutely no fear of audit or accountability that I have been able to detect on the part of the university administrations or the Board of Regents. The legislative audit is in there and goes over the books. Mr. Drum says if

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you had absolutely uniform accounts it would make the legislative auditor's job a little easier. This may be true, but it will also be at the expense of flexible management of our higher education units, flexible and efficient, and this is what we want, I think, in their management.

CHAIRMAN GRAYBILL: Mr. Garlington.

DELEGATE GARLINGTON: Mr. Chairman, I am disposed to point out something that I think has not been mentioned in the discussion so far, that it seems to me has quite a little bearing on the whole problem. In the past, we had a weak Board of Education with no leadership. We have cured that now by the new system that we worked out and amended and put in here, and untried, as yet, is a new Board of Regents with definite power to run the show and with definite authority to obtain an expert to help them in the process. The people who will be on the board face the fact that the Constitution now says that they shall together work out a unified budget request to go to the legislature, and being intelligent people, and this also being a new thing which has not been done before, it seems reasonable that they would realize what is required to satisfy the legislative demands and would act accordingly; and rather than impose some kind of uniform straight jacket that applies to all boards, bureaus, commissions and bureaucracies in Montana, on an admittedly unique type of thing, it seems to me that we ought to feel that the

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handiwork of our previous days deserves a fair trial, and that we should not sort of throttle it at the last minute by imposing a standardization which none of us expert accountants can really understand the full impact of. So, I feel that we did a good job. We've got good, responsible management now, and I think we ought to give it a fair chance to see what it can do. If we hamper it before it ever starts, I'm sure we'll all feel afterward that we made a mistake and that our vehicle for the future of education was deprived of a wheel at the last minute, and that we made a sad mistake; so I believe that we should, along with Mr. Davis, leave it the way it is and trust the people, whom we have now equipped with adequate authority to handle the situation, to go ahead and handle it.

CHAIRMAN GRAYBILL: Mr. Driscoll.

DELEGATE DRISCOLL: Mr. Chairman, in deference to Mr. Heliker, I am a school administrator. I handle roughly four hundred thousand dollars of state funds and a million two hundred thousand dollars of federal funds each year. I am perfectly willing to be accountable for those funds to the state or any other way I have to be. And in deference to the Board of Regents, and we've set up this thing that's going to work so well, perhaps we should now give them the tools to operate. The Board of Regents as it operated previously was an excellent system. I defy anybody to say they weren't.

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I worked with them; they were, as I stated, courageous, competent individuals, and I, for an administrator, handling these state and federal funds, am perfectly willing to come under a system of state accountability.

CHAIRMAN GRAYBILL: Mr. Arness.

DELEGATE ARNESS: Mr. Chairman, fellow Delegates. It seems to be two main worries expressed by the people from the University System. Number one, they're worried about how they're going to be allowed to spend their money. This is not the intent of putting this in. They can spend the money as they see fit, but we think it is important that the legislative body know how they spent it, that it be put in a form that they can understand, a form that is similar to the other reports that come in. I maintain that dollars are dollars, just because they're university dollars don't make them any different than Fish and Game dollars; they're all still tax dollars and us taxpayers are paying them. We depend upon the legislature to see that we get full value received. I don't like to see any obstructions put in to make their job harder. Now, we've had another problem here, that the University System requires an accounting system that is completely different. I admit that there are some differences in the accounting procedures. They have admitted that the WICHE system will work, that it is working; they're satisfied with it. I checked with the Department of Administration. The

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WICHE system is compatible with the state accounting system. As a matter of fact, they are currently working on the program to get it implemented. They're talking about all these problems. We have the post legislative auditors; these are C.P.A.'s. They aren't national C.P.A.'s; they're Montana C.P.A.'s, but we think Montana C.P.A.'s are just as good as the national ones, maybe a little bit better. And we think that if there are any minor problems involved that the post legislative auditors will certainly be able to make the necessary recommendations to solve them. Haskins & Sells, a national firm, was quoted. I think it is only fair that Touche, Ross, Bailey and Smart, another national firm -- there's only eight of them -- get a few more remarks that they put in when they helped the state of Montana get some uniformity. They said, quote: A lack of statewide uniform accounting systems and procedures also results in considerable difficulties when attempts are made to compare consolidated statements of financial position for financial planning and reporting purposes. At this time, they made this statement: Finally, there is an almost complete lack in Montana of financial reports which are of any use in making decisions about resource allocation alternative or in effectively monitoring the operations of a particular agency. The last paragraph I will quote: A statewide uniform system of accounts and accounting coding structure should be implemented

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across all state agencies to insure uniformity and consistency in accounting and budgeting data. The accounting classification should be designed to satisfy all of the state's accounting, budgeting and financial reporting requirements. All we're asking is that all the wheels be the same size. We don't want some thirteen-inch wheels, some fourteen-inch wheels and some fifteen-inch wheels going around. You know, you have a pretty uneven vehicle then. I certainly hope that you will support Mr. Rygg's proposal. Thank you.

CHAIRMAN GRAYBILL: Mr. Rygg, you may close.

DELEGATE RYGG: I'll be very brief. I could talk about these paperclips and I could talk to Delegate Arbanas about the difference between a budget that's put into the legislature and about the school systems, and that, but I won't. I think your minds are made up, and I close. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. Rygg's amendment.

DELEGATE RYGG: Could we have a roll call vote, please, and ask for sufficient seconds?

CHAIRMAN GRAYBILL: Yes, that's fine -- Section nine, two, (d), on page ten, line twenty-one, to add the words, accounting and, so that it reads: (d) The funds and appropriations under the control of the board of regents are subject to the same accounting and audit provisions as

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are all other state funds. So many as shall be in favor of that amendment, vote Aye, and so many as shall be opposed, vote No. Has every Delegate voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No respnse)

CHAIRMAN GRAYBILL: Take the ballot.

Aasheim	- Aye	Brazier	- Aye
Anderson, J.	- Aye	Brown	- Nay
Anderson, O.	- Nay	Bugbee	- Nay
Arbanas	- Nay	Burkhardt	- Nay
Arness	- Abs	Cain	- Nay
Aronow	- Aye	Campbell	- Nay
Artz	- Aye	Cate	- Nay
Ask	- Aye	Champoux	- Nay
Babcock	- Aye	Choate	- Nay
Barnard	- Aye	Conover	- Nay
Bates	- Aye	Cross	- Nay
Belcher	- Nay	Dahood	- Nay
Berg	- Nay	Davis	- Nay
Berthelson	- Aye	Delaney	- Aye
Blaylock	- Abs	Driscoll	- Aye
Blend	- Aye	Drum	- Aye
Bowman	- Nay	Eck	- Nay

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1	Erdmann	- Aye	Loendorf	- Nay
2	Eskildsen	- Aye	Lorello	- Nay
3	Etchart	- Aye	Mahoney	- Aye
4	Felt	- Abs	Mansfield	- Aye
5	Foster	- Nay	Martin	- Abs
6	Furlong	- Nay	McCarvel	- Nay
7	Garlington	- Nay	McDonough	- Nay
8	Graybill	- Nay	McKeon	- Nay
9	Gysler	- Aye	McNeil	- Nay
10	Habedank	- Aye	Melvin	- Nay
11	Hanson, R. S.	- Aye	Monroe	- Nay
12	Hanson, R.	- Aye	Murray	- Aye
13	Harbaugh	- Aye	Noble	- Nay
14	Harlow	- Aye	Nutting	- Aye
15	Harper	- Nay	Payne	- Nay
16	Harrington	- Nay	Pemberton	- Nay
17	Heliker	- Nay	Rebal	- Aye
18	Holland	- Abs	Reichert	- Nay
19	Jacobsen	- Abs	Robinson	- Nay
20	James	- Aye	Roeder	- Nay
21	Johnson	- Aye	Rollins	- Nay
22	Joyce	- Aye	Romney	- Aye
23	Kamhoot	- Aye	Rygg	- Aye
24	Kelleher	- Nay	Scanlin	- Abs
25	Leuthold	- Aye	Schiltz	- Nay

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Siderius	- Nay	Toole	- Nay
Simon	- Nay	Van Buskirk	- Nay
Skari	- Nay	Vermillion	- Nay
Sparks	- Nay	Wagner	- Aye
Speer	- Nay	Ward	- Nay
Studer	- Aye	Warden	- Abs
Sullivan	- Aye	Wilson	- Aye
Swanberg	- Aye	Woodmansey	- Nay

CLERK SMITH: Mr. Chairman, forty Delegates have voted Aye; fifty-two have voted No.

CHAIRMAN GRAYBILL: Forty Delegates having voted Aye and fifty-two having voted No, the motion is defeated.

Is there anything else on nine, sub. two, sub. (d)? (No response) Mr. Schiltz, will you again state your motion on nine, two, and we'll put that matter?

DELEGATE SCHILTZ: I want to check if I have any amendments on that besides that one. No. Mr. Chairman, I move when this committee does rise and report, after having had under consideration section nine, sub. two, Style and Drafting report number ten, it recommend the same be adopted, and I have explained it previously.

CHAIRMAN GRAYBILL: Is there any discussion?

(No response)

CHAIRMAN GRAYBILL: All in favor, say Aye.

DELEGATES: Aye.

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CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: It's adopted. Now, nine, three, which is back on page nine, lines twenty-two to the end. Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section nine, sub. three, Style and Drafting report number ten, it recommend the same be adopted, as amended. We amended the word, state, on line thirty, there. Mr. Chairman, as I explained before, this whole section nine was rearranged and extensively edited and rewritten, all with the concurrence of the committee chairman, and I presume with his committee, through him. There have been no substantive changes, all style changes.

CHAIRMAN GRAYBILL: Any discussion? Mr. Harlow.

DELEGATE HARLOW: I am wondering -- I'm on page five. You have there in subsection (b), you go on through, The governor, commissioner of higher education and state superintendent of public instruction -- now, you've been cutting out, state, in most of the areas.

CHAIRMAN GRAYBILL: Mr. Harlow, we took, state, out by amendment before we started on this whole subsection, the whole section. Is there any other discussion?

(No response)

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CHAIRMAN GRAYBILL: Very well. All in favor of nine, sub. three, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Section ten on page ten, line twenty-three. Mr. Clerk.

CLERK HANSON: (Reading) Section ten, State University Funds. (End reading)

Mr. Chairman.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section ten, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, only minor style changes.

CHAIRMAN GRAYBILL: Any question about section ten?

(No response)

CHAIRMAN GRAYBILL: All in favor of section ten, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Now if you'll turn behind the yellow manila folder -- or manila sheet, to page twelve, and in fact, to page thirteen if you want to

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follow the changes, Mr. Schiltz will take up the Article on Public Lands. Will the Clerk please read the title of section one?

CLERK HANSON: (Reading) Be it proposed by the Education and Public Lands Committee that there be a new Article on Public Lands to read as follows: Article, Public Lands, Section one. Public Land Trust, Disposition. (End reading)

Mr. Chairman.

CHAIRMAN GRAYBILL: There are four subsections. Mr. Schiltz, subsection one.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section one, Public Lands, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, there are no changes in section one, but I would call attention of the committee to the fact that on line nine the language says, congress, All lands of the state that have been or may be granted by congress; previously we've used, the United States, but we feel there's some reason to leave, congress, in there. It comes from the old Constitution, Article XVII, Section one.

CHAIRMAN GRAYBILL: Very well. Are there any questions about one, sub. one, Public Lands?

(No response)

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CHAIRMAN GRAYBILL: All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Sub. two.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section one, sub. two, Public Lands, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, we've made fairly extensive style changes, but nothing that alters substance.

CHAIRMAN GRAYBILL: All those in favor of section one, sub. two, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Sub. three.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section one, sub. three, Public Lands, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, again we've made some style changes, but nothing substantive.

CHAIRMAN GRAYBILL: Public Lands, one, sub. three, all in favor, say Aye.

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DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Sub. four.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section one, sub. four, Public Lands, Style and Drafting report number ten, it recommend the same be adopted. Mr. Chairman, again style changes that do not alter any substance.

CHAIRMAN GRAYBILL: Any discussion?

(No response)

CHAIRMAN GRAYBILL: Very well. Section one, sub. four, Public Lands, all in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted.

Now, ladies and gentlemen, you have adopted the four subsections of sub. one on Public Lands and the ten sections of Education. It is the Chair's intent to set that aside until we have finished Public Health after the recess, and then we will rise and report on both of these Style and Draftings at the same time. Let me think. Mr. Murray. Very well, before we recess the Chair would like to point out that

we should do Public Health after the recess. I have a budget report. It might be possible for us to, depending on how long Public Health took -- it might be possible for us to -- oh, we'll also take Mr. Johnson's Resolution -- it's now ready, is that right, Mr. Johnson? Have you got your Resolution out, or is it ready to go out?

DELEGATE JOHNSON: It's ready to go out.

CHAIRMAN GRAYBILL: All right, we'll put it out on the desk during the recess, and this afternoon after Public Health, I think we can take it today instead of tomorrow, and discuss it. Very well. And then, if we have any time, I think we will probably do Bill of Rights on Order of Business Number Five, rather than start General Government today. I don't know that we'll be able to do that, but I thought you might like to know that. We'll still try to get out of here reasonably early. Mr. Eskildsen, can we have a motion to recess for fifteen minutes?

DELEGATE ESKILDSEN: Mr. Chairman, I move we stand in recess until 3:30 this day.

CHAIRMAN GRAYBILL: Very well, the motion is to recess until 3:30, all in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: So ordered.

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(RECESS 3:15 P.M. -- RECONVENE 3:40 P.M.)

CHAIRMAN GRAYBILL: The Committee will be in order. The Committee will be in order. Will the Delegates in the lobby please take their seats? Members of the Committee. Members of the Committee, we now are prepared to proceed with the report of the Style and Drafting Committee on Public Health, Welfare, Labor and Industry, Number Nine.

Mr. Murray, this report not having lain on the desk forty-eight hours, I wonder if you would make a motion to suspend Rule Twenty-three.

DELEGATE MURRAY: Mr. Chairman, I move to suspend Rule number twenty-three for the purpose of considering this particular proposal at this time.

CHAIRMAN GRAYBILL: Very well. The motion is to suspend Rule Twenty-three so that we can consider the Public Health, Welfare, Labor and Industry proposal as it's been returned from Style and Drafting. Is there discussion?

(No response)

CHAIRMAN GRAYBILL: All in favor of the motion to suspend Rule Twenty-three, which requires forty-eight hours on the desk, please say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: Very well, will the Clerk

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please turn -- if you'll all please turn to page five, if you'd care to follow the changes, page five.

Mr. Murray, I wonder if you'd take the care for five minutes?

(Delegate Murray assumes the Chair.)

CHAIRMAN MURRAY: The Clerk will read section one.

CLERK HANSON: (Reading) Montana Constitutional Convention, 1971-1972, Report of the Committee on Style, Drafting, Transition and Submission on Public Health, Welfare, Labor and Industry, Number Nine, reported March 17, 1972, Schiltz, Chairman. Be it proposed by the Public Health, Welfare, Labor and Industry Committee that there be a new Article on Non-municipal Corporations to read as follows: Article, Non-Municipal Corporations, Section one, Limitation of Power. (End reading) Mr. Chairman.

CHAIRMAN MURRAY: Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section one, Non-Municipal Corporations, Style and Drafting report number nine, it recommend the same be adopted. Mr. Chairman, because the word, only, was in there on line nine, we changed it from, Grant of Power, to, Limitation of Power, which seems appropriate; otherwise, no changes.

CHAIRMAN MURRAY: Any discussion?

(No response)

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CHAIRMAN MURRAY: As many as are in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: (No audible response)

CHAIRMAN MURRAY: The Ayes have it, and it is so ordered.

CLERK HANSON: (Reading) Section two, Protection for Citizenry. (End reading)

Mr. Chairman.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section two, Non-Municipal Corporations, Style and Drafting report number nine, it recommend the same be adopted.

Mr. Chairman, minor style changes on line twelve and striking of the word, for, on the same line.

CHAIRMAN MURRAY: Any discussion on section two?

(No response)

CHAIRMAN MURRAY: As many as are in favor of the motion, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: (No audible response)

CHAIRMAN MURRAY: The Ayes have it, and so ordered.

CLERK HANSON: (Reading) Section three, Retrospective

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Law Prohibition. (End reading)

Mr. Chairman.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section three, Non-Municipal Corporations, Style and Drafting report number nine, it recommend the same be adopted.

Mr. Chairman, on behalf of the Committee, we're all glad this is something that's only style, because none of us really knows what it means. (Laughter)

CHAIRMAN MURRAY: Is there any discussion?

(No response)

CHAIRMAN MURRAY: As many as are in favor of the motion, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: No.

CHAIRMAN MURRAY: The Ayes have it, and so ordered.

Okay, page six, the Labor Article.

CLERK HANSON: (Reading) Be it proposed by the Public Health, Welfare, Labor and Industry Committee that there be a new Article on Labor to read as follows: Article, Labor, Section One, Department and Commissioner. (End reading)

Mr. Chairman.

CHAIRMAN MURRAY: Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, I move when this

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committee does rise and report, after having had under consideration section one, Labor, Style and Drafting report number nine, it recommend the same be adopted.

Mr. Chairman.

CHAIRMAN MURRAY: Mr. Schiltz.

DELEGATE SCHILTZ: You'll notice that on -- wait, I've got to find this -- on line eleven, we've struck, under the control of, and substituted therefor, headed by a Commissioner, so that it would conform with section eight, article one of a totally different Article, the Executive Article; and then we also thought that they didn't really want this board to be totally, under the control, and, headed by, sounded better. Then there's, legislature, and, senate, was in paren -- we've struck, legislature, and in the transition article, we will cover that transition if this should become a unicameral legislature. That's all, Mr. Chairman.

CHAIRMAN MURRAY: Any discussion on section one of the Labor Article?

(No response)

CHAIRMAN MURRAY: As many as are in favor of the motion, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: (No audible response)

CHAIRMAN MURRAY: The Ayes have it, and so ordered.

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CLERK HANSON: (Reading) Section two, Eight-hour Day. (End reading)

Mr. Chairman.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does rise and report, after having had under consideration section two, Labor, Style and Drafting report number nine, it recommend the same be adopted.

Mr. Chairman, minor style changes.

CHAIRMAN MURRAY: Any discussion on section two?

Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. Chairman, I'd like to ask the group's indulgence for a minute. Can we pass this and go on and come back to it?

CHAIRMAN MURRAY: What's your problem?

DELEGATE BLAYLOCK: There's proposed new language that we would like to put in here, if we can --

CHAIRMAN MURRAY: If you want to pass it, you'll have to make a motion to that effect.

DELEGATE BLAYLOCK: All right. I move that we pass this.

CHAIRMAN MURRAY: Until when?

DELEGATE BLAYLOCK: For about five minutes.

CHAIRMAN MURRAY: Well, let's put it ahead or behind something else, so we've got a place to take it up. Five minutes doesn't really mean anything.

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DELEGATE BLAYLOCK: I move that we take this up after we have finished with section six.

CHAIRMAN MURRAY: Any discussion on that motion? Mr. Blaylock has moved that we take this up after we discuss section six.

(No response)

CHAIRMAN MURRAY: As many as are in favor of his motion to pass consideration of section two of the Labor Article until we have considered section six, which is Regulation of Public Utilities, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: No.

CHAIRMAN MURRAY: Well, the Chair is in doubt on that one. We'll have to use the board. The Chair is no longer in doubt. The Ayes have it, and we will pass consideration of section two under the Labor Article until after we have considered section six, Regulation of Public Utilities. We will go now to the Article on Institutions and Assistance.

CLERK HANSON: (Reading) Be it proposed by the Public Health, Welfare, Labor and Industry Committee that there be a new Article on Institutions and Assistance, to read as follows: Article, Institutions and Assistance, Section One, Institutions. (End reading)

Mr. Chairman.

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CHAIRMAN MURRAY: Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section one, Institutions and Assistance, Style and Drafting report number nine, it recommend the same be adopted.

Mr. Chairman, we've rearranged the wording a little bit, but it didn't affect the substance in any way.

CHAIRMAN MURRAY: Is there any discussion on section one, Institutions?

(No response)

CHAIRMAN MURRAY: As many as are in favor of the motion, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: No.

CHAIRMAN MURRAY: The Ayes have it, and so ordered.

CLERK HANSON: (Reading) Section Two, Restoration of Rights. (End reading)

Mr. Chairman.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section two, Institutions and Assistance, Style and Drafting report number nine, it recommend the same be adopted.

Mr. Chairman, a few minor style changes. We exchanged section two for section three and section three for

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section two, as we got it from the floor. I will call that to your attention; otherwise, no substantive changes.

CHAIRMAN MURRAY: Mr. Dahood.

DELEGATE DAHOOD: Mr. Chairman, I would like to suggest to Style and Drafting that in line seventeen, after, suspended rights, that the word, shall be, be striken, and the word, are, substituted therefor, so it will read: Suspended rights are restored upon termination of the state's responsibility, because I think that was the sense of the Committee of the Whole at the time that this particular section was added; and I would like to inquire, Mr. Schiltz, if that would not be a change that would not more fully carry out the sense of this Committee at the time that this section was adopted.

CHAIRMAN MURRAY: Mr. Schiltz.

DELEGATE SCHILTZ: It would be my observation -- we -- I'm not clear what the sense of the Committee was, but if it was that they shall be restored when that contingency happens, why then, I think, shall be, is correct, but if they're somehow automatically restored, as you and I talked of yesterday in a different section, a different Article, why, then it should be, are.

CHAIRMAN MURRAY: Mr. Dahood.

DELEGATE DAHOOD: Mr. Chairman, it was the sense of this Committee they should be automatically restored, and

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the language, shall be, would still lead to the interpretation that perhaps somebody has to petition a court to have that restoration made official; and I think if we substitute for that language the word, are, that will indicate they're automatically restored, and then some system could be set up whereby a certification of restoration could be given administratively and court action would not be necessary. I so move, Mr. Chairman.

CHAIRMAN MURRAY: Your motion, then, would be to substitute the word, are, for the two words, shall be, in line seventeen?

DELEGATE DAHOOD: That is correct, Mr. Chairman.

CHAIRMAN MURRAY: That's page seven.

DELEGATE DAHOOD: I so move.

CHAIRMAN MURRAY: And Mr. Schiltz does not resist that, I presume, on the basis that it is substantive rather than stylistic? Do you agree that it is style change?

DELEGATE SCHILTZ: Well, for the purposes of the record, I will, yes.

CHAIRMAN MURRAY: Is there any discussion on Mr. Dahood's motion?

Mr. Choate.

DELEGATE CHOATE: Yesterday we did have a vote on this very change. Mr. Dahood proposed that this word be changed from, shall be, to, are, and we took a vote on it and

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it was passed.

CHAIRMAN MURRAY: I didn't hear the end of that, did you say it did pass or did not pass?

DELEGATE CHOATE: Did pass.

CHAIRMAN MURRAY: It did pass? Well, I'm sorry that the Chair doesn't recall that, but I will put the question to you at this time. Any further discussion?

Mr. Kelleher.

DELEGATE KELLEHER: Mr. Chairman, I don't like to disagree with my chairman, Chairman Schiltz, but I think Wade is right, and that was our intent, anyway, that they be automatically, rather than go to the Governor, as now, to get a pardon.

CHAIRMAN MURRAY: Okay, the question now arises on Mr. Dahood's motion to amend line seventeen by deleting the words, shall be, and substituting the word, are. As many as are in favor of his amendment, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: (No audible response)

CHAIRMAN MURRAY: The Ayes have it, and so ordered.

Mr. Schiltz.

DELEGATE SCHILTZ: I move that when this committee does rise and report, after having had under consideration section two, Institutions and Assistance, Style and Drafting

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report number nine, it recommend the same be adopted, as amended.

CHAIRMAN MURRAY: Any discussion?

(No response)

CHAIRMAN MURRAY: As many as are in favor of the motion, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: (No audible response)

CHAIRMAN MURRAY: The Ayes have it. So ordered.

CLERK HANSON: (Reading) Section three, Assistance. (End reading)

Mr. Chairman.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration Assistance, Institutions and Assistance, Style and Drafting report number nine, it recommend the same be adopted.

Mr. Chairman, only style changes, legislative assembly, and we had to put a, such, in there. I apologize for it, but we have to.

CHAIRMAN MURRAY: Any discussion on section three?

(No response)

CHAIRMAN MURRAY: As many as are in favor of the motion, say Aye.

DELEGATES: Aye.

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CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: (No audible response)

CHAIRMAN MURRAY: The Ayes have it, and so ordered. Okay, we'll take up section six, Regulation of Public Utilities, Consumer Counsel.

CLERK HANSON: (Reading) Be it proposed by the Public Health, Welfare, Labor and Industry Committee that there be a new Article on Public Utilities, to read as follows: Article, Regulation of Public Utilities, Section six, Consumer Counsel. (End reading)

Mr. Chairman.

CHAIRMAN MURRAY: Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, I move when this committee does rise and report, after having had under consideration section six, Regulation of Public Utilities, Style and Drafting report number nine, it recommend the same be adopted.

Mr. Chairman, we only deleted the words, by law, under section nine, because that's about the only way the legislature can provide.

CHAIRMAN MURRAY: Mr. McNeil.

DELEGATE McNEIL: Mr. Chairman, this is a technical thing that I mentioned to Mr. Burkhardt yesterday in Mr. Schiltz' absence, but I think the caption should be changed. The Article reads now, Regulation of Public Utilities, and

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the only section contained underneath it is, Consumer Counsel, which does not relate to regulation, so I believe the heading should be just, Public Utilities, or something other than regulation, because the section doesn't speak to it. I move to delete the words, Regulation of, from the caption to the Article.

CHAIRMAN MURRAY: Mr. Schiltz.

DELEGATE SCHILTZ: No objection.

CHAIRMAN MURRAY: All right, the question now arises on the motion of -- Excuse me, Mr. Loendorf, did you --

DELEGATE LOENDORF: Am I correct in assuming it's proper to wait until the section is adopted before making it?

CHAIRMAN MURRAY: I think so. I'm going to call on you; I realize that you have an amendment to it or a motion to make. The question now arises on Mr. McNeil's amendment to delete the words, Regulation of, in the title, so that the title of the Article then reads, Public Utilities. As many as are in favor of the amendment, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: (No audible response)

CHAIRMAN MURRAY: The Ayes have it, and so ordered.

DELEGATE SCHILTZ: Mr. Chairman, I would like to make another amendment. I would call on some of my committee to correct me if I'm wrong, but I don't think we need a

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section six or a section one, either one, under -- this is -- there are no other sections, and this would be a lone provision under this Article, so unless I hear objection from my committee members, I will move to delete the words, section six, on line eight.

CHAIRMAN MURRAY: Is there any discussion? Do you agree, Mr. Garlington?

DELEGATE GARLINGTON: Yes.

CHAIRMAN MURRAY: Okay, the question now arises on the motion of Mr. Schiltz to delete the language, section six, as it appears before the words, Consumer Counsel, on line eight of page eight. As many as are in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN MURRAY: Those opposed, say No.

DELEGATES: (No audible response)

CHAIRMAN MURRAY: The Ayes have it, and so ordered.

DELEGATE SCHILTZ: Mr. Chairman, I move that when this committee does rise and report, after having had under consideration Public Utilities, Style and Drafting Report number nine, that it recommend the same be adopted, as amended.

CHAIRMAN MURRAY: Mr. Loendorf, I presume that you wish to make a motion which would be to suspend the rules, and then offer some language instead of this one, is this right?

DELEGATE LOENDORF: That's correct, Mr. Chairman.

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At this time I would move to suspend the rules for the purpose of reconsidering the former section six, now I presume just the section on Public Utilities, or the Article on Public Utilities.

Mr. Chairman, may I speak to the motion?

CHAIRMAN MURRAY: Yes, Mr. Loendorf.

DELEGATE LOENDORF: Fellow Delegates, I apologize for making this motion at this late date. However, as you know, section six was not part of the original Article, it was an amendment that came in rather quickly, and we didn't have a lot of time to review it before voting on it. Secondly, I would like to say that some of you have expressed the fear to me that suspending the rules now and reconsidering this matter would result in its deletion. That is certainly not my purpose in making the motion, and if my amendment does fail, I guarantee you I will support the Article. Now, what I have proposed, I've had an amendment placed on your desks that if the rules are suspended I would make a motion to reconsider this section, and have that language substituted therefor. And, as you note, it amends the present section in two respects; one, it broadens the scope of the duties of the officer of Consumer Counsel. He would represent consumers before all public agencies, rather than just the Public Service Commission or its successor, the one agency. Secondly, it would leave to the legislature complete discretion

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in providing for the funding. The reason for the first amendment was this: I'm not completely aware of how often rate hearings occur before the Public Service Commission, but I'm wondering if they do not come up more frequently than once or twice every year or two, and I'm wondering if we're creating a new office in the Constitution, if we should not give this person something to do. I certainly don't want to pay somebody to sit around waiting for another rate hearing to come up, and he may be waiting six months to a year. Therefore, I propose that we let him represent consumers before all agencies of the state. Secondly, I've deleted the words, or the provision providing for the special tax. Initially, I thought possibly there was a constitutional question here. However, after talking it over with other lawyers, I'm probably incorrect on that, but since I've now broadened the office to deal with all state agencies, I assume the legislature can find a tax from an appropriate source or even the one we have proposed here. Thank you, Mr. Chairman.

(Chairman Graybill assumes the Chair)

CHAIRMAN GRAYBILL: Very well. Is there other discussion on the motion to suspend the rules?

Mr. Murray.

DELEGATE MURRAY: Thank you, Mr. Chairman. I resist the motion to suspend the rules for this particular purpose. I point out that the amendment to be proposed is

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different in scope entirely. I do not think on review of it and discussion of it with Mr. Loendorf that it would accomplish the purpose for which it is designed. I think that it is introducing again to this assembly a people's advocate, or ombudsman, and this is not the purpose of the original section. I might point out to you that I think the language would delete any rate regulation possibility before the Public Service Commission, and as such I resist his motion to suspend the rules.

CHAIRMAN GRAYBILL: Mrs. Eck.

DELEGATE ECK: Mr. Chairman, I, too, resist the motion to suspend the rules, and looking at this, I don't think it looks like an ombudsman to me. You know, if I thought it was really going to be one, I would support it. But it looks to me more like a way of getting around what proves to be kind of an objectionable way of funding to some groups, and I resist it. I think the section as stated -- I guess it's an Article right now -- is very adequate to do what we intended it to do. Thank you.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. Loendorf's motion to suspend the rules so that we can consider the Public Utilities Article. We'll take a non-roll call vote. All in favor of suspending the rules, vote Aye; all against it, vote No.

Have all the Delegates voted?

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(No response)

CHAIRMAN GRAYBILL: Does any Delegate want to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well. Sixty-six having voted against it, and twenty-seven for it, the motion is defeated, sixty-six to twenty-seven, and so we won't suspend the rules.

Mr. Schiltz, have we adopted the Article yet?

DELEGATE SCHILTZ: No, sir, we have made the motion that it be adopted as amended, but no vote has been taken.

CHAIRMAN GRAYBILL: Very well, and we have amended the title and the style on there.

DELEGATE SCHILTZ: We took out section six, the words, section six, and the words, regulation of.

CHAIRMAN GRAYBILL: Is there other discussion of the Article on Public Utilities?

Mr. Wilson, on Style and Drafting.

DELEGATE WILSON: Will Mr. Schiltz yield to a question?

CHAIRMAN GRAYBILL: Mr. Schiltz?

DELEGATE SCHILTZ: I yield.

DELEGATE WILSON: Would it be your interpretation of this suggestion that it would require this person to

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regulate all utilities, such as water systems, public municipalities, and so forth?

DELEGATE SCHILTZ: It would be my interpretation of this that there are two sentences there, and under Style and Drafting, that's as far as I'm authorized to go.

CHAIRMAN GRAYBILL: Mr. Wilson.

DELEGATE WILSON: Mr. President, would you yield to the question of whether this would cover all municipalities, water systems and so forth, as well as public utilities?

CHAIRMAN GRAYBILL: I think, Mr. Wilson, the point is that -- Mr. Schiltz is making the point that we're on Style and Drafting and not on substance. Now, I haven't read it carefully, as a lawyer, and I don't want to make a comment on it from the Chair if I had, and I really haven't. I really don't know. Are there other comments on it?

(No response)

CHAIRMAN GRAYBILL: All in favor of adopting the Article on Public Utilities, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: The Ayes have it, and it's adopted. Very well, I understand we passed Labor, section two.

Mr. Schiltz.

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DELEGATE SCHILTZ: Mr. Chairman, there was one Article -- one section or Article that we passed.

CHAIRMAN GRAYBILL: Yes, section two of the Labor Article. Do you want to move it again, Mr. Schiltz, and I have someone else who wants to speak on it.

DELEGATE SCHILTZ: All right. Mr. Chairman, I move -- let me see if we've got any amendments -- Mr. Chairman, I move that when this committee does rise and report, after having had under consideration section two, Labor, Style and Drafting report number nine, it recommend the same be adopted.

CHAIRMAN GRAYBILL: Mr. Cate or Mr. Blaylock, did you want the floor?

Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. President, it was at my request that we pass this, because I had understood that some of the laboring people were very concerned about some of the language in this, but it has been conferred, and they have decided to leave the language as is, so I thank the assembly very much for their indulgence.

CHAIRMAN GRAYBILL: Very well; Mr. Schiltz.

DELEGATE SCHILTZ: I guess I made the motion, Mr. Chairman.

CHAIRMAN GRAYBILL: You made the motion; are there any explanations you want to make?

DELEGATE SCHILTZ: No, we only had style changes --

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nothing that changed any substance.

CHAIRMAN GRAYBILL: Mr. Drum.

DELEGATE DRUM: Mr. Chairman, would it be in order for me to suggest that we amend out, and stock raising? It would seem to me that agriculture in general would cover this area, and ranchers are all stock raisers, and probably people who feed cattle are stock raisers -- they're raising the weight of the cattle and one thing or another, but it would seem to me that agriculture would be better wording to use in this section. I would like to propose that we just say, employment except agriculture, on line fourteen, period.

CHAIRMAN GRAYBILL: You're suggesting that the words, and stock raising, are included in the concept of agriculture?

DELEGATE DRUM: Stock raising -- they seem to be -- they are certainly in the concept of agriculture, yes.

CHAIRMAN GRAYBILL: Mr. Schiltz, do you care to speak to that?

DELEGATE SCHILTZ: I think the point is reasonably well taken, but I don't know what the authors -- whether agriculture includes stock raising, or whether there is a definition somewhere in the world that says that stock raising might include feeding, such as you do, and is not agriculture, I have no idea. I'd think safety would indicate leaving it in.

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CHAIRMAN GRAYBILL: Mr. Wilson.

DELEGATE WILSON: I think they're two separate functions, and I would resist the motion to delete it.

CHAIRMAN GRAYBILL: We don't have a motion. Now, Mr. Drum, one of the stock raisers doesn't want to.

Mr. Etchart.

DELEGATE ETCHART: That language is in the present Constitution, and I agree with Mr. Wilson that we should leave it in.

CHAIRMAN GRAYBILL: Mr. Drum, are you going to acquiesce?

DELEGATE DRUM: No, Mr. Chairman, I'm not going to acquiesce, because stock raising is in agriculture, and when you use the word, stock raising, you are restricting the word, agriculture, considerably, because there are a lot of other activities that -- it seems to be that, and stock raising, restricts the application of the word, agriculture, here. I move that we amend it by deleting, and stock raising. Stock is certainly in agriculture.

CHAIRMAN GRAYBILL: Very well. The Chair is going to rule that with the explanations made here on the floor that agriculture is intended to cover stock raising, that this then becomes a matter of style and not a matter of substance, and we can decide which way to do it. Therefore, I'll allow Mr. Drum's motion that we delete the words, and stock raising,

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and it's open for debate on the style issue of whether or not you want to use, agriculture, or, agriculture and stock raising. Is there any further discussion?

Mr. Nutting.

DELEGATE NUTTING: Mr. Chairman, I'd just like to comment, in our state government we separate them, so the assumption would be on a state level that they are separate departments, so therefore I would resist the movement.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman, having been raised down in that Jordan country as a cowpuncher, I would resist being called a farmer.

CHAIRMAN GRAYBILL: Where does it say farmer, Mr. Harbaugh? (Laughter)

Mr. Johnson.

DELEGATE JOHNSON: Mr. Chairman, just to add to what Harbaugh was saying, in agriculture you could conceivably hold to an eight-hour day without hurting anybody, particularly, I think, if you drew the line around them so that you'd be driving a tractor and cultivating wheat, etc., whereas if you're out punching cows and you leave a bunch eight-nine miles from home just because it's time to quit, and you haven't got them where you're going yet, that wouldn't be so very good, you know. I think you have -- no, seriously, you've got problems living with a cow that -- you can turn a tractor

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off, you know, but you can't turn a cow off. That's all there is to it. (Laughter)

CHAIRMAN GRAYBILL: Mr. Foster.

DELEGATE FOSTER: Mr. Chairman and fellow Delegates, I think this is purely a matter of what the words mean, and I certainly interpret agriculture to include stock raising, bee keeping, and a lot of other terminologies, and I think that stock raising is a narrower form of agriculture, and when you put it in the Constitution, by rights you should then list all of the other similar categories of agriculture in the Powder River rule; and so I think that Mr. Drum's motion is well put, and I think that agriculture certainly includes stock raising, as well as many other different practices.

CHAIRMAN GRAYBILL: Mr. Aronow.

DELEGATE ARONOW: Mr. Chairman, I have a dictionary here and the definition of the word, agriculture, in Webster's Dictionary, is, the art or science of cultivating the ground; the production of crops and livestock on a farm; farming. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Mr. President, the only authority I have is from the play, Oklahoma, where they sing, Oh, the farmer and the cowboy should be friends.

CHAIRMAN GRAYBILL: The Chair is going to observe

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that we have a pretty good one going here. (Laughter)

Mr. Choate.

DELEGATE CHOATE: Mr. Chairman.

CHAIRMAN GRAYBILL: How does it look from up above?

DELEGATE CHOATE: They probably agree. I think that probably if we could consider Mr. Foster's bees as a herd of bees, it probably ought to come under ranching, and I'd suggest that we change these words, both of them, to farming and ranching.

CHAIRMAN GRAYBILL: Mrs. Pemberton.

DELEGATE PEMBERTON: I was waiting to hear from Mr. Burkhardt, Mr. President. (Laughter)

CHAIRMAN GRAYBILL: Mr. Burkhardt, do you yield?

DELEGATE BURKHARDT: I simply can't resist. If we do get beyond this -- I've talked to four people here; none of us were here when this was debated. Why is it in the Constitution? I realize that isn't the discussion of the amendment, but if we get past this amendment, I'm going to ask to suspend the rules and ask why it's in the Constitution.

CHAIRMAN GRAYBILL: Mrs. Sullivan.

DELEGATE SULLIVAN: Mr. President, may I say to the assembly that you meant that Mr. Choate is a pilot and you weren't referring to the gallery?

CHAIRMAN GRAYBILL: That's right. (Laughter)

Mr. Champoux.

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DELEGATE CHAMPOUX: In Choate's -- it doesn't make any difference with Choate, he's always flying anyway.

CHAIRMAN GRAYBILL: All right, now the issue is on whether to take the word, and stock raising, out of line fifteen and sixteen. So many as shall be in favor of taking those words out, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Noes have it. All right, so many as shall be in favor, vote Aye on the voting machines; and so many as are opposed, vote No, for a nonrecorded vote.

Has every Delegate voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: The Noes have it, fifty-seven to thirty-three; fifty-seven voting No, thirty-three voting Aye; so we leave the words in the Constitution.

Mr. Burkhardt.

DELEGATE BURKHARDT: Mr. Chairman, at the risk of our being here more than an eight-hour day, I just would ask whether this body might move to suspend the rules and reconsider this issue, and I would so move.

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CHAIRMAN GRAYBILL: Mr. Burkhardt moves that we suspend the rules on section two of the Labor Article. Is that correct?

DELEGATE BURKHARDT: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Burkhardt.

DELEGATE BURKHARDT: If I ask to reconsider this, I'd like to explain what I have in mind. This is one of those things that in a very few years is going -- we're going to be asking ourselves, why did we put that in there, and I'd like to hear someone say why it's there, originally. I was off the floor when this was debated and no one to my left or right, within reach here, remembers talking about it. I serve on a board of a hospital where the employees have voted and are working ten-hour days four days a week and enjoying a three-day weekend, and they're happy with it, and am I now going to tell them that that's unconstitutional? I think it may be something we want to look at in some depth.

CHAIRMAN GRAYBILL: Is there other discussion of the motion to suspend the rules?

Mrs. Babcock.

DELEGATE BABCOCK: Well, I'm probably talking on the wrong subject. Mr. Chairman, I'd like to point out to Mr. Burkhardt that agriculture and stock raising and labor are the three most important industries in Montana and they should certainly be in the Constitution.

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CHAIRMAN GRAYBILL: All right. Now, we're on the issue of suspending the rules. The next one up, I think, was Mr. Brown.

DELEGATE BROWN: Mr. Chairman, I believe this is very restrictive and we should reconsider it, so I would back Mr. Burkhardt.

CHAIRMAN GRAYBILL: The next one up was Mr. Woodmansey.

DELEGATE WOODMANSEY: Those of you who were here yesterday would have found in the debate that we put in the word, maximum, here, and I would resist deleting this. I think it's important. Things may change, if you want to work a ten-hour day and still get in the work week somehow, this will allow it. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Heliker.

DELEGATE HELIKER: Mr. Chairman, I resist the motion to suspend the rules. For Mr. Burkhardt's benefit, we debated this quite extensively, and just because he wasn't here is no reason to go all over it again.

CHAIRMAN GRAYBILL: Mr. Cate.

DELEGATE CATE: For Mr. Burkhardt's benefit, in answer to his question of why it's in there, I once heard a story of why it's there. I don't know whether this is true or not. It's my understanding that in the days of mining that the miners would come to the shaft and they would have to sit

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around there for half an hour or so before they'd take them down into the bottom to work in the shafts. And then after eight hours was completed down there, they would have to lay down there in the mining shafts underground a half hour or so waiting for the cable car to come down to pick them up. So in effect they were putting in not eight-hour days, but nine or ten-hour days, because they had to sit around and wait for the mining car to come up and down. It's my understanding that that was the original purpose for having this put in our Constitution, and I think it still serves a purpose in that it prevents that type of thing from happening in the mining industry and elsewhere.

CHAIRMAN GRAYBILL: Mr. Drum.

DELEGATE DRUM: Mr. Chairman, I too feel that it would be wise for us to perhaps reconsider this thing. I had a communication that I'd like to pass on, and I don't have any connection in any way with this group, but it apparently has become a point of concern to the Contractor's Council. They feel that the limitation of an eight-hour day may make it difficult for them to know -- if the people don't care to work over eight hours, in their bidding of things there may be some restrictions that will raise some havoc with the construction industry in general, and I think they would like to pass that on to this body. Thank you.

CHAIRMAN GRAYBILL: Mr. McCarvel.

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DELEGATE McCARVEL: Mr. Chairman, I rise to resist the openirg of this section. I think it was clearly debated yesterday on how much restriction this would be, and there is absolutely none, and it leaves it open on the end for the legislature to draw up any other restrictions and conditions that may affect labor.

CHAIRMAN GRAYBILL: Mr. Studer.

DELEGATE STUDER: We discussed this a lot yesterday, all right, but as far as reconsidering it, I've had a lot of people concerned about this, and I'd like to see it reconsidered.

CHAIRMAN GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Mr. Chairman, on the motion to reconsider, I just wonder how far we can discuss it, but we did discuss it at great length yesterday, and the old Constitution, you couldn't work over eight hours. If you ever worked over eight hours and are not paid overtime, you are in violation. Now, the worst trouble has been, the person working, as well as the other, are both in violation. This is a liberalized thing, this lets us do it in the later, and I'd resist the motion to reconsider.

CHAIRMAN GRAYBILL: Mr. McNeil.

DELEGATE McNEIL: Mr. Chairman, for Mr. Burkhardt's information, the roll call vote on this was seventy-four to thirteen, so unless an awful lot of people have changed their

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mind, I think we ought to oppose the reconsideration.

CHAIRMAN GRAYBILL: Mr. Burkhardt.

DELEGATE BURKHARDT: Mr. Chairman, I --

CHAIRMAN GRAYBILL: Mr. Burkhardt, I -- all right, go ahead.

DELEGATE BURKHARDT: Just that if someone else wants to make this motion, they may. I will withdraw my move to reconsider. I think, as I've heard it explained, it has some possibility for flexibility, and it does seem statutory to me, but I withdraw my move to delete. Someone else may want to make it.

CHAIRMAN GRAYBILL: Mr. Burkhardt's withdrawn his motion to reconsider.

Mr. Harper.

DELEGATE HARPER: I'm not going to renew it. I'm just going to point out to Bill how short our Article on Labor will be if we take this out. (Laughter)

CHAIRMAN GRAYBILL: Very well. Members of the body, you have before you for your consideration, on the recommendation of Mr. Schiltz that when this body has finished considering section two of the Labor Article, as Style and Drafting has sent it to us, that we adopt it. All in favor of adopting section two, Style and Drafting's Labor Article, say Aye.

DELEGATES: Aye.

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CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Very well, members of the body, you have adopted both the Public Health, Welfare and Labor and Industry Style and Drafting Proposal, plus the Education and Public Lands -- oh, wait a minute.

Mr. Harper, I guess I almost went by you. Go ahead. Mr. Harper wants to add a new section to Public Health, Welfare, Labor and Industry.

Mr. Harper.

DELEGATE HARPER: Yes. Mr. Chairman, I'd like to, I presume, move to suspend the rules in order to add a new section. I'm not sure what you'd call it; you might call it subsection two under the Article of Regulation of Public Utilities -- I'm looking at page eight of Style and Drafting report, assuming that the first one, entitled Consumer Counsel, would become subsection one.

CHAIRMAN GRAYBILL: That's right, Mr. Harper.

DELEGATE HARPER: This new section to be presented to the voters in the June 6th election as a separate issue on the ballot, and it would read, as the Clerk has it, or I can read it --

CHAIRMAN GRAYBILL: Will the Clerk please read Mr. Harper's proposal?

CLERK HANSON: Section two, Any County or --

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CHAIRMAN GRAYBILL: Wait a minute. Read his proposal: I move to amend --

CLERK HANSON: (Reading) Mr. Chairman, I move to add a section to the Public Health, Welfare, Labor and Industry report, to be presented to the voters in the June 6th election as a separate issue on the ballot. Section two. Any county or municipal subdivision of the state has the power and authority to establish public cooperatives for the maintenance and operation of utilities, subject to regulations provided by law. Signed, Harper. (End reading)

DELEGATE HARPER: Thank you. I'll just speak to the motion to suspend. Sixteen of you who didn't get a chance to express yourselves on this issue, and I know you feel badly about that, in a vote that turned out forty-three to forty-one, will find this, these exact words, in so-called section seven on page twenty-nine of the Committee Report, the original Public Health, Welfare, Et Cetera, Committee Report. I think its intent is obvious, except for the sixteen people who didn't hear it. The debate was long and arduous, and I simply offer it again as a possible way of getting something that a good many people are interested in on to the ballot to give the people a chance to express themselves on it. It doesn't make any real difference to the utility companies, and there probably will be no contest on it. If it does, they can make a good deal of interest in explaining both sides of this to

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the people. I understand that this is not now allowable, unless the legislature actually passes a law making it allowable, and it does seem to me to be consistent with our basic approach toward freeing people and communities for action.

CHAIRMAN GRAYBILL: Very well, Mr. Harper has made a motion to suspend the rules to consider adding a section two to the Public Utilities Article, the substance of which would be to place on the ballot this subdivision as an alternative for the people to vote on, whether or not county and municipal subdivisions can establish public cooperatives for the maintenance and operation of utilities. Is there discussion of the motion to suspend the rules?

Mr. Hanson.

DELEGATE HANSON: Mr. President, is the word, public cooperatives, or, public corporations? I checked mine and I thought I heard it different.

CHAIRMAN GRAYBILL: It says, public cooperatives, on the motion that Mr. Harper makes. I don't know if that's exactly what it was in the previous --

DELEGATE HARPER: My writing is hard to read, and I apologize to the secretary as well as to you. That should be corporations.

CHAIRMAN GRAYBILL: All right, it's, public corporations for the maintenance and operation of public utilities,

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subject to regulations provided by law. Mr. Harper says that it's section seven that we considered the other day on Public Health's Article, and the purpose of it would be to place this matter as an alternative on the ballot.

Mr. Habedank.

DELEGATE HABEDANK: Mr. President. I resist the motion to place this on the ballot. I voted in favor of this the other day --

CHAIRMAN GRAYBILL: All right, now, Mr. --

DELEGATE HABEDANK: Let me finish.

CHAIRMAN GRAYBILL: All right, but that's not the motion that is before you.

DELEGATE HABEDANK: The motion to reconsider.

CHAIRMAN GRAYBILL: You may resist the motion to reconsider, but not the motion to place it on the ballot, because we don't have such a motion. Okay.

DELEGATE HABEDANK: Mr. President, I resist the motion to reconsider.

CHAIRMAN GRAYBILL: Very well.

DELEGATE HABEDANK: I feel that the motion that will be made to reconsider is to place it on the ballot, and I feel that we discussed this thing, we voted on it, it was lost; and there is another motion -- there is another proposal coming up for being placed on the ballot, and I think we will have too many matters on the ballot; and for this reason, I

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oppose its reconsideration, for that purpose.

CHAIRMAN GRAYBILL: Mr. McKeon.

DELEGATE McKEON: I support the motion to suspend the rules. I think that it's important with a greater number of people here today that we again air this argument with more people in the house. As Mr. Harper noted, it was a forty-one to forty-three vote, and I have noticed many people have decided, or are considering changing their minds on this issue, so I think that it would be important that we would give the committee the opportunity to discuss it again.

CHAIRMAN GRAYBILL: On the issue of suspending the rules, Mrs. Van Buskirk.

DELEGATE VAN BUSKIRK: I am also in favor of suspending the rules that we may vote on this again.

CHAIRMAN GRAYBILL: Mr. Swanberg.

DELEGATE SWANBERG: Mr. President. Frankly, I'm somewhat surprised at this attempt here, because we've already allowed cities and towns to establish their municipal electric systems when we considered local government yesterday, and I see no point in having it in here twice.

CHAIRMAN GRAYBILL: Mr. Arness.

DELEGATE ARNESS: Mr. Chairman, I don't think that's entirely accurate. There's really nothing in the local government proposal that this body adopted that changes the present situation in any way. I support the motion to

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suspend the rules.

CHAIRMAN GRAYBILL: All right, now, the Chair's going to rule that that issue has been spoken on on both sides, and there seems to be a disagreement, and we can certainly go into that if we open the rules, so I'm not interested in hearing any more about whether it's in or out of local government. Is there any more discussion about suspending the rules?

(No response)

CHAIRMAN GRAYBILL: Very well, the motion is to suspend the rules in order to authorize the addition of a section to the Public Health Article on Public Utilities to allow county and municipal subdivisions to establish public corporations to maintain and operate utilities. So many as shall be in favor of suspending the rules, vote Aye; and so many as shall be opposed, vote No.

Mr. Toole, for what purpose do you rise?

DELEGATE TOOLE: Mr. Chairman, to explain my vote, I decline to vote under Rule Twenty.

CHAIRMAN GRAYBILL: Mr. Rebal, for what purpose do you rise?

DELEGATE REBAL: Mr. Chairman, I paired with Mr. Holland, he being for; me being against, so I'm not voting.

CHAIRMAN GRAYBILL: Just a minute. We're in Committee of the Whole; you're explaining your non-vote.

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DELEGATE REBAL: I'm explaining my non-vote, sir.

CHAIRMAN GRAYBILL: A pair is not allowed in the Committee of the Whole. It's allowed in the body as a whole.

Has every Delegate voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, the Chair will close the ballot. Fifty have voted Aye; forty-two have voted No. It takes a majority of fifty-one, or a two-thirds majority to carry a motion to suspend the rules. Therefore, the motion fails.

Mr. Eskildsen.

DELEGATE ESKILDSEN: You must count the two votes that was paired then. Oh, yes.

CHAIRMAN GRAYBILL: I'm sorry, the rule is that you must have an absolute majority of the body, which is fifty-one, or two-thirds, whichever is less; so we have to have fifty-one votes. The other rule is, Mr. Eskildsen, that there are no pairs in the Committee of the Whole. I don't care what he says, there aren't any.

DELEGATE ESKILDSEN: I understand that, very well; you can still vote, then, Mr. --

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CHAIRMAN GRAYBILL: No, he can't vote now.

Mr. Cate, for what purpose do you rise?

DELEGATE CATE: Mr. Chairman, we have a Delegate that did not vote that I believe wishes to vote, Mrs. Speer.

CHAIRMAN GRAYBILL: Well, I'm sorry; it's too late now. Now if somebody wants to remake the motion, I'll put the vote again, but when I close the ballot, and this one was open a long time, I can't help it. The motion has failed. Does somebody want to remake the motion?

DELEGATE McKEON: Mr. Chairman, I so move.

CHAIRMAN GRAYBILL: Mr. McKeon will remake the motion. The motion is to suspend the rules for the purpose of considering a new section two. I see no reason for further debate. The Chair will open the ballot. All those in favor of suspending the rules, vote Aye; those opposed, vote No.

All right, now has every Delegate voted that wants to?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, it's fifty-one to forty-three; therefore, the motion prevails. Very well, Mr. Harper -- Mr. Harper, the Chair is somewhat concerned. We voted on this issue. Are you prepared to make a motion to

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reconsider the section that we voted on? And voted down?

DELEGATE HARPER: Does that need to be done?

CHAIRMAN GRAYBILL: I would think it does, because otherwise I'd be adding an identical section to one that was already added.

DELEGATE HARPER: Mr. Chairman, I am prepared to move that we reconsider --

CHAIRMAN GRAYBILL: Well, now are you prepared in the sense that you voted on the prevailing side?

DELEGATE HARPER: You are right; I am not prepared, but I'm looking right at a friend for whom the other day I moved to consider to kill my own measure, and he got it done, and I'm sure Mr. Ask is going to ask for the privilege of moving to reconsider. (Laughter)

CHAIRMAN GRAYBILL: Mr. Ask, are you prepared?

DELEGATE ASK: Mr. Chairman, having voted on the prevailing side on this section, I move that we reconsider this particular section, and I yield to Mr. Harper for the grounds and reasons.

CHAIRMAN GRAYBILL: Mr. Harper, are the grounds and reasons the same reasons you suspended the rules?

DELEGATE HARPER: Just exactly.

CHAIRMAN GRAYBILL: In other words, it's to propose a new section two to the Public Utilities Article of the Public Health proposal, that would say, any county and municipal

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subdivision in the state has the power and authority to establish public corporations for the maintenance and operations of utilities, subject to regulations provided by law. That's the motion to reconsider. Do you need to discuss it, Mr. Harper?

DELEGATE HARPER: No. I'd like to point out again, in case they didn't catch it, that on page twenty-nine of their committee report, section seven, they find these words. That's why I didn't ask a secretary to type up copies for everyone.

CHAIRMAN GRAYBILL: That's of the original committee report?

DELEGATE HARPER: Yes; right.

CHAIRMAN GRAYBILL: The reddish colored committee report. Very well. The motion --

Mr. Heliker.

DELEGATE HELIKER: Was the motion stated as putting this on the ballot as a separate issue?

CHAIRMAN GRAYBILL: Do you intend, Mr. Harper, to put this on the ballot as a separate issue? Is that right?

DELEGATE HARPER: Is it possible to amend this now or will it be getting under the wire with the wrong -- is it duplicity if I just went for a straight vote on putting it in?

CHAIRMAN GRAYBILL: Yes, that would be duplicity,

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Mr. Harper.

DELEGATE HARPER: Well, I wouldn't want to be engaged in that kind of process, Mr. Chairman. (Laughter)

CHAIRMAN GRAYBILL: The problem being that you garnered your fifty-one votes on a motion to suspend for the purpose of putting it on the side, on the ballot. All right, now the issue is to move to reconsider; all those in favor of reconsidering say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Ayes have it and it's reconsidered. Now Mr. Harper, would you like to make your motion?

DELEGATE HARPER: The motion now is to add a section to the Public Health's Labor Industry report to be presented to the voters in the June 6th election as a separate issue on the ballot.

CHAIRMAN GRAYBILL: Mr. Harper, do you have that motion?

DELEGATE HARPER: As it was read to you. I don't think I'll go into any kind of a long discussion about this again; and I'm kind of hoping nobody else will, unless some of those who weren't here might need some information. I look upon this as something that's permissive. I really found it difficult the other day, whenever it was, it seems like weeks

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ago that we discussed it, maybe it was yesterday; but there was so much opposition to it since it is not mandating anything but simply freeing up counties or municipal subdivisions of the state to do this if and whenever in the future they wanted to do it. As I understand now, this is not permissible unless the legislature would enact new legislation; and I think it's perfectly in keeping with a lot of the things that we've written into the Constitution. I would rather sit down and maybe have the opposition show cause, to use a court phrase, why this should not be allowed to the people.

CHAIRMAN GRAYBILL: Mr. Arbanas.

DELEGATE ARBANAS: I would like to make a parliamentary inquiry, Mr. Chairman. I wonder, is there some way to test the body whether it would want to split this issue? It seems to me there are really two issues. I sit here with my next door neighbor and he is opposed to the idea because of adding one idea to the ballot, and I'm for it because I'm for the concept and not to anxious about putting something on the ballot. Is there some way to split the issue?

CHAIRMAN GRAYBILL: I don't think there is at the moment, Mr. Arbanas, because we voted yesterday, or the other day, on the issue; and it's true that a number of people weren't here, and it was narrowly defeated. Now, in considering it at this time it took a motion to suspend the rules. The rules were suspended upon the indication from the mover, Mr.

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Harper, that his purpose was to place this matter as an issue on the ballot -- in other words, it would only be adopted if the public approved it in some form on the ballot. Style and Drafting would have to put it on the ballot in a manner that would allow the public to vote on it. Then when that passed, and as you know narrowly, we had a motion to reconsider which I construed from Mr. Ask to be within the original motion to suspend the rules for this specific purpose only of the ballot type of issue; and the motion has been made to that effect so I don't think I could allow an amendment to strip the ballot issue away from it without going back and letting you move to suspend the rules for a different purpose.

DELEGATE ARBANAS: I understand.

CHAIRMAN GRAYBILL: Now, when this has failed if you want to try again and test that fifty, fifty-one margin you may.

DELEGATE ARBANAS: I understand, thank you.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman. This may be a very fine issue, and I am very much in favor of this proposal but I would be very definitely against putting it on the ballot as a separate issue. I would like to inquire, either from the Chair or from Mr. Harper, what it is a separate issue to? I don't see anything on the ballot presently that stands over against this article.

CHAIRMAN GRAYBILL: The point would be, Mr. Harbaugh,

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to state on the ballot: Section two concerns the right of county and municipal subdivisions to have power to establish, maintain and operate utilities. Are you for placing this in the Constitution, yes or no? If they voted yes, it becomes part of the Constitution; if they voted no, it doesn't. We have done the exact same thing on the -- we've sent it to Style and Drafting -- on the abolition of the death penalty. The abolition of the death penalty is not in the Constitution. We've said, do you want it in there? If it went in there it would only have the effect of changing the statutory law in Montana. So this would be put in the same manner; I don't know exactly how Style and Drafting would do it, but it is possible to put an issue to the public that we don't decide here.

Mr. Swanberg.

DELEGATE SWANBERG: Mr. President. I wish to reiterate once again -- apparently Mr. Arness and I have a small disagreement here -- but I submit that yesterday when we considered the Local Government Article, sections five and six, on home rule, we specifically allowed municipal, or cities and towns to establish there own municipal electric system if they want to. We say in section five of the Local Government Article, or section six, one of the two, that once they've adopted the home rule by such measures as the legislature may prescribe, they can do anything that's not prohibited by law. Now there's nothing on the statutes that prohibits the establishment of

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municipal electric systems. There's not one about them at all, one way or the other; and that being the case, as the law stands at the present time they could go ahead and establish their municipal electric system if they saw fit. And I don't see any reason why we have to have some separate issue on the ballot to cover the point twice. That's my point.

CHAIRMAN GRAYBILL: Mr. Arness.

DELEGATE ARNESS: Mr. Chairman. It's correct that we do have a basic disagreement here, and the disagreement is not only with me but with the entire committee and with the intents of the committee report. Dillon's rule is the rule in Montana at the present time. If the proposed Constitution is adopted, Dillon's rule will be the rule in Montana under the new Constitution, that is not changed. There is no change so far as the power of the local governments under our proposal. The local governments at the present time cannot acquire public utilities and operate them because of the operation of Dillon's rule. There are some of them, like Libby, that would like to acquire power companies and have not been able to acquire them because of the fact of the status of local government in this state. The status is not changed by the Local Government Article; sections five and six create the possibility that the legislature may set up a class of cities, and that a class of cities once designated may then apply for a more powerful status than they enjoy. There are two steps

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there that require action by the legislature. The rule is the same now as it has always been and there is nothing in the Local Government Article that you adopted that would permit cities and towns to acquire public utilities. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mrs. Payne.

DELEGATE PAYNE: Mr. Chairman. I beg to disagree with my colleague because in section six it clearly says, in the Local Government Article, that local government units adopting self-government charters may exercise all powers now prohibited by this Constitution by law or by charter. So if you want to carry it this far, I certainly think it could be done.

CHAIRMAN GRAYBILL: Mr. Scanlin.

DELEGATE SCANLIN: I've had the reasons explained to me before, but I would like to ask again how it was that the municipality of Saco got their public utility? I should know, but I haven't got the time to go down and look it up. Would one of the -- Tom, Mr. Joyce, are you familiar with that statute or how they did it?

CHAIRMAN GRAYBILL: Mr. Joyce.

DELEGATE JOYCE: I don't even know where Saco is.

CHAIRMAN GRAYBILL: Mr. Swanberg -- Mr. Scanlin, are you finished?

DELEGATE SCANLIN: Evidently Joe knows, could he

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explain it?

CHAIRMAN GRAYBILL: He knows where Saco is. Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. Scanlin, Saco is in the eastern part of the state of Montana. It's a fine little city that sits on top of a gas dome. Many years ago, long before the Montana Power Company or the Dakota Utilities and those were barely established in the state of Montana, the city of Saco drilled a well and got gas and they piped it around the city. Then later on, other towns tried the same thing but they weren't lucky enough to hit the gas. In the meantime, the Montana Power Company, the Montana-Dakota Utilities and so forth were established and they established themselves around the state; and since then, why you can follow the courses that have taken place. But this happened before those companies moved in.

CHAIRMAN GRAYBILL: Mr. Scanlin.

DELEGATE SCANLIN: Mr. Chairman. Is there any reason that any other community couldn't do the same thing if they wanted to with any utility?

CHAIRMAN GRAYBILL: Who are you asking, Mr. Scanlin?

DELEGATE SCANLIN: Anybody that can give me an answer to the question.

CHAIRMAN GRAYBILL: Mr. Eskildsen.

DELEGATE ESKILDSEN: You can't do it now because they

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have a franchise within your cities, and they have the pipelines and they own the utilities and the power poles and that kind of stuff. If you were going to take over, you would have to buy them out; you couldn't just move in with another franchise.

CHAIRMAN GRAYBILL: Mr. Barnard.

DELEGATE BARNARD: Mr. President. I think I have a question to ask of some of the attorneys here. As I understand the situation it's now permissible to start up a natural gas system in a municipality and the electrical side of it is the only one that excluded. I don't know whether I'm right or not, but that was my understanding of it, and that's the reason that this particular emphasis is on electricity.

CHAIRMAN GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Mr. President. I might state for the benefit of those that weren't here yesterday, and I don't want to bore this new other group that has listened to this long debate, but they can if they wish to sell general obligation bonds, they could go out and do it. The only prohibitation is that they can't sell revenue bonds and this came out in 1953, that's when that law was taken off the books. Now to go back to Saco, they used this originally to get started. Up until 1953 they could use the revenue bonds, this came off the books. Now the big problem on that is that now you have to go to general obligation bonds instead of revenue bonds. This is

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the prohibitation, Mr. Scanlin, as of now on that issue.

CHAIRMAN GRAYBILL: Mr. Heliker.

DELEGATE HELIKER: Mr. Chairman. If the legal research which was done by our committee analyst is correct, there is no statutory authority for a municipality to go into the electric business. They can go into the gas business because there is specific authority for that.

CHAIRMAN GRAYBILL: Mr. Swanberg.

DELEGATE SWANBERG: Mr. President, that's true as things stand now, but we're talking about a new Constitution. We're talking about the future here; we're not talking about 1927 when the statutes which allowed cities and towns to put in their own gas service was put into effect; we're talking about the future, and under section six of the Local Government Article, as Mrs. Payne pointed out, if any city or town adopts the home rule procedure here it says right in there they can do anything -- they may exercise all powers not prohibited by this Constitution, by law or by charter. Now there's not a word in the statute that prohibits a city or town from setting up their own municipal system. So why can't they set it up in the future? That's my point.

CHAIRMAN GRAYBILL: Mr. McDonough.

DELEGATE McDONOUGH: Mr. President. I really promised myself today I wouldn't get up on this issue, but I have to again. I forgot to tell you yesterday that I might have a

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special interest in this thing which I had forgotten about; that our law firm represents the Golden Valley Electric Co-op and I have no idea how they feel on this issue, so I think I'm free to talk about it. I did want to get up because I have to object to it again on the grounds your legislating, and all you have to do is read this thing -- establish public corporations for the maintenance and operation of utilities. Now it doesn't say anything about constructing them; it doesn't say anything about purchasing or acquiring utilities. If you adopt something like this, and I agree with the concept, I've been that way for twenty years, of public utilities and Nebraska system. But I just say, you're like Don Quixote and the windmill by adopting this thing; and your actually going to mislead the voters by putting it on the ballot because you're going to lead the voters to believe that by adopting this section that they are going to be able to acquire utilities; and even by it's wording it doesn't give them power to acquire, and even if it did put the wording in there that you could acquire, that it's still up to the legislature to tell the public -- these counties, municipals only, it doesn't even go as far today as to say public utility districts. You could have a very uneconomical unit by counties and cities only, as Charlie brought out the other day. So I think you're just like Don Quixote and the windmill. If you adopt it, you are going to mislead the voters and if it's passed by the voters, it isn't going to do

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anything anyway.

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Mr. President. I certainly support what Mr. McDonough said on that and where it says subject to regulation prescribed by law. For the benefit of those who weren't here yesterday, I come from Dillon and I have nothing to do with the Dillon rule.

CHAIRMAN GRAYBILL: Mr. Harper, do you want to close?

DELEGATE HARPER: I would be glad to close.

CHAIRMAN GRAYBILL: Wait a minute. Mr. Mahoney, aren't you willing that he close?

DELEGATE MAHONEY: I would like to say just one thing that I was answering a question the other time and I don't want to belabor a point. But if this Constitutional Convention is coming out here now to issue or send out petitions to the voters, and this is what we're doing, I mean here we're sending out -- it is not alternative or anything like that. This is what we're going to do is getting initiative to the people -- of the Constitutional Convention sending it to them, this is what we're doing under this initiative.

CHAIRMAN GRAYBILL: Anyone else care to debate it before Mr. Harper closes?

Mr. McKeon.

DELEGATE McKEON: Mr. Chairman. I want to say without belaboring the point that I think that the issue here is

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whether or not we want to give the voter the choice. I can't imagine anyone -- I can't imagine the Montana Power Company -- deprive the voter of his choice as to whether or not he wishes to be under a public utility or such as this or under Montana Power service. So I think that if we decided this issue just on the merit of giving the voter a chance, a choice to decide what he wants, I think that we would have realized exactly what we're doing. So for that reason that we are giving the voter a choice, I will urge that we do support this. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harper -- oh, all right, now I don't want to cut off debate. Do others want to debate it now?

Mr. Kamhoot.

DELEGATE KAMHOOT: Mr. Chairman. I would just like to remind Delegate McKeon that this delegation had a wonderful chance to give the people of Montana a chance just the other day when the right to work law was up. That was supposed to be put on the ballot, if we wanted to give the people a choice, and we couldn't do that. I don't see why we should give them a choice on something like this. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Kelleher.

DELEGATE KELLEHER: Mr. Chairman. I would like to know whether Mr. Harper's language is amendable?

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CHAIRMAN GRAYBILL: If we adopt the thing it's amendable, yes.

DELEGATE KELLEHER: But not until we adopt it?

CHAIRMAN GRAYBILL: Well, I don't care, if you want to amend it I suppose I could let you. The point is that if we amend it and spend an hour debating the amendment, then it loses, its useless. I would rather decide whether we are going to put something on the ballot and if so, you may amend it.

DELEGATE KELLEHER: Very good. Mr. Chairman, what I'm going to do is explain what my amendment would be if his motion passes.

CHAIRMAN GRAYBILL: All right.

DELEGATE KELLEHER: I am going to add the words, or public utility districts; and I'm going to add in the first part so it will read, any county, municipal subdivision or public utility districts of the state have, h-a-v-e, the power and authority to establish public corporations for the, and I'm going to add the word, acquisition, before the word, maintenance, and operation of utilities. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Is there other debate? (No response) Mr. Harper, do you want to close?

DELEGATE HARPER: No, Mr. Chairman, as I feel very much like Don Quixote on this; but as I remember the story of Don Quixote, the windmills didn't come and attack him. We have tilted with some very lively windmills; in fact, this is the

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thing that has peaked my interest in this whole thing. We are constantly assured that we can already do all of this; that the amendment doesn't mean anything; that it won't change anything; and yet there's terrific reaction toward putting this in. Now, is it legislative? Well, I ask you if it's any more legislative than saying, we'll have an eight-hour day unless we change our mind to have it either longer or shorter, which is what we've put in, and several other instances I could cite you. Seriously, I, too, am thinking about the future and I think the people ought to be; I think we ought to be. There will be a day when Billings is three hundred thousand. I hate to think about that. Right now it might not be feasible for most Montana villages, towns and even cities to consider this, but there might come a day when it would be feasible. If it's not feasible, if it's not profitable, cities or municipalities or public utility districts won't be formed and they won't acquire and maintain and operate utilities; so I suppose my basic idea is what will it hurt to give this a try? If we are this evenly divided here, this may or may not be an indication of public reaction of this. I have an idea that if it's put on the ballot, you'll discover that an awful lot of people in cities and municipalities across this state will be for the idea of allowing themselves this freedom.

CHAIRMAN GRAYBILL: The issue is on Mr. Harper's motion to add a subsection two to the Public Utilities Article

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of the Public Health proposal.

Mr. McKeon.

DELEGATE McKEON: Can we have a roll call vote on this?

CHAIRMAN GRAYBILL: Yes. The proposal to say: Any county or municipal subdivision of the state has the power and authority to establish public corporations for the maintenance and operation of utilities, subject to regulations provided by law. Roll call vote, all in favor vote Aye; all opposed vote No. Have all the Delegates voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Everyone should understand the motion is to place this on the ballot.

Mr. Anderson, for what purpose do you rise?

DELEGATE ANDERSON: I wish to explain my vote.

CHAIRMAN GRAYBILL: Very well.

DELEGATE ANDERSON: I have studied this Constitution and in Article Thirteen, section five and section six, which are now cancelled, I believe this authority already rests with the city or county if they get legislative authority.

CHAIRMAN GRAYBILL: Has every Delegate voted?

(No response)

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CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, cast the ballot.

Aasheim	- Aye	Cain	- Aye
Anderson, J.	- Nay	Campbell	- Aye
Anderson, O.	- Nay	Cate	- Aye
Arbanas	- Aye	Champoux	- Aye
Arness	- Aye	Choate	- Nay
Aronow	- Aye	Conover	- Nay
Artz	- Aye	Cross	- Aye
Ask	- Nay	Dahood	- Nay
Babcock	- Nay	Davis	- Nay
Barnard	- Aye	Delaney	- Abs
Bates	- Aye	Driscoll	- Aye
Belcher	- Nay	Drum	- Nay
Berg	- Nay	Eck	- Aye
Berthelson	- Nay	Erdmann	- Nay
Blaylock	- Aye	Eskildsen	- Abs
Blend	- Nay	Etchart	- Nay
Bowman	- Nay	Felt	- Abs
Brazier	- Nay	Foster	- Aye
Brown	- Nay	Furlong	- Aye
Bugbee	- Aye	Garlington	- Nay
Burkhardt	- Aye	Graybill	- Aye

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1	Gysler	- Nay	McNeil	- Nay
2	Habedank	- Nay	Melvin	- Aye
3	Hanson, R. S.	- Nay	Monroe	- Aye
4	Hanson, R.	- Aye	Murray	- Nay
5	Harbaugh	- Nay	Noble	- Nay
6	Harlow	- Aye	Nutting	- Nay
7	Harper	- Aye	Payne	- Nay
8	Harrington	- Aye	Pemberton	- Nay
9	Heliker	- Aye	Rebal	- Abs
10	Holland	- Abs	Reichert	- Aye
11	Jacobsen	- Nay	Robinson	- Aye
12	James	- Aye	Roeder	- Nay
13	Johnson	- Nay	Rollins	- Aye
14	Joyce	- Nay	Romney	- Aye
15	Kamhoot	- Nay	Rygg	- Abs
16	Kelleher	- Aye	Scanlin	- Nay
17	Leuthold	- Nay	Schiltz	- Aye
18	Loendorf	- Nay	Siderius	- Aye
19	Lorello	- Aye	Simon	- Nay
20	Mahoney	- Nay	Skari	- Aye
21	Mansfield	- Nay	Sparks	- Nay
22	Martin	- Nay	Speer	- Aye
23	McCarvel	- Aye	Studer	- Nay
24	McDonough	- Nay	Sullivan	- Nay
25	McKeon	- Aye	Swanberg	- Nay

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Toole	- Abs	Ward	- Nay
Van Buskirk	- Aye	Warden	- Abs
Vermillion	- Aye	Wilson	- Nay
Wagner	- Aye	Woodmansey	- Nay

CLERK HANSON: Mr. Chairman, forty-three Delegates have voted Aye; forty-nine have voted No.

CHAIRMAN GRAYBILL: Forty-three having voted Aye, forty-nine, No, the issue fails. Are there other amendments or motions? If not, Mr. Murray would like a motion to rise and finally report on Public Health, Welfare, Labor and Industry and Education and Public Lands.

DELEGATE MURRAY: Mr. Chairman, I so move.

CHAIRMAN GRAYBILL: All in favor of rising and finally reporting on these two Style and Drafting proposals say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It is so ordered.

PRESIDENT GRAYBILL: Will the Clerk please read the report of the Committee of the Whole.

CLERK HANSON: (Reading) March 17, 1972. Mr. President, we, your Committee of the Whole, having had under consideration report number ten, Education, from the Committee on Style and Drafting, recommend as follows: That the committee

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rise and report. Signed, Leo Graybill, Chairman. (End reading)

PRESIDENT GRAYBILL: That the committee rise and report finally, or fully. Rise and report finally. Very well, the motion is that this committee -- Mr. Murray.

DELEGATE MURRAY: Mr. President. I move adoption of the Committee of the Whole report and that the Style Committee's reports, number nine and ten, be referred to Order of Business Number Five.

PRESIDENT GRAYBILL: All in favor of Mr. Murray's motion that the Committee of the Whole report on these two articles be adopted and that they be placed in Order of Business Number Five, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: It is so ordered. Now, without objection we would like to be on Order of Business Number Seven; Motions and Resolutions -- no, Order of Business Number One. All right, is there objection; otherwise we will go to Order of Business Number One? Mr. Clerk.

CLERK HANSON: (Reading) Mr. President. We, your Committee on Rules and Resolutions, having had under consideration Resolution Number Fifteen, introduced by Delegate Johnson, recommend that the said resolution be not adopted. Committee

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on Rules and Resolutions. Signed, Murray, Chairman. (End reading)

PRESIDENT GRAYBILL: Very well, that will be referred to Order of Business Number Seven. Now I want your other one.

CLERK HANSON: (Reading) Mr. President. We, the Committee on Style, Drafting, Transition and Submission, transmit revisions of the Bill of Rights Article for consideration of the Convention on Order of Business Number Five. (End reading) Mr. Chairman.

PRESIDENT GRAYBILL: The Bill of Rights Article has been received back and it's placed on Order of Business Number Five for tomorrow morning; and Mr. Johnson's resolution is on seven; and the Rules Committee proposal on that resolution has just been referred to number seven. Without objection, the Chair would like to be on Order of Business Number Seven. Mr. Murray, will you take up Mr. Johnson's matter and then we'll give it to Mr. Johnson.

DELEGATE MURRAY: Mr. President. I move that the report of the Committee on Rules and Resolutions on Resolution Number Fifteen, the resolution by Delegate Johnson, that it be not adopted -- actually be adopted by this Convention. I think that all of you have had an opportunity to take a look at Resolution Number Fifteen. It reads: Whereas, this Constitutional Convention has cost the state of Montana seven

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hundred thousand dollars in money, and has cost its Delegates about eight months of their lives devoted to study and research in the field of constitutional government; Whereas, we certainly do not want to waste the effort, money or time involved; Therefore, I move this Convention consider the following: The Montana Constitutional Convention shall, after completing debate on the proposed new Constitution, recess for five months, to August 15, 1972, and then convene and reconsider our new proposed Constitution in its entirety. After this interim, used for knowledgeable consideration and observation, we will complete a superior document more worthy of this dedicated group of delegates, and more worthy of Montana. (End reading) This matter was referred to the Committee on Rules and Resolutions, the committee met this morning and heard certain witnesses; met again at noon, heard other witnesses, took its vote and unanimously, seven to nothing, recommended that the resolution be not adopted. Mr. Johnson presented to the committee his ideas with respect to the recess which he requests in his resolution most eloquently. He indicated that he felt that quite frankly we were in some difficulty with the proposition of having our proposed Constitution adopted at this time; that there were things in it that he did not believe that he fully understood, and because he could not understand them, at this time could not support them, would sincerely like to have an opportunity to go home and reflect on these matters and

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visit with his constituents to see if he could not persuade them to what we had done, and if not to study the proposition more fully to make sure that he understood what we had done; and then to return to ascertain if this Convention would perhaps, if necessary, reconsider any action that it had taken on the various matters of concern to him and to others. And he is quite persuasive in this particular respect and there is much merit to his proposition. Unfortunately, it is the position of the Committee on Rules and Resolutions that his resolution comes forth at a very late date, after this Convention has already decided that its election date should be held on June 6, 1972, just over two months from now; after this Convention has placed in motion the operation to accept bids, or receive bids, for its voter information pamphlet and has let those bids; after this Convention has considered and pressed hard under its financial limitations to arrive at the point where we nearly are at this particular moment. And the Committee on Rules felt that it was not in the best interests of the Delegates of this Convention nor of the citizens of the state of Montana that we delay the ending of our Convention, the adjournment sine die and the submission of this matter to the voters on June 6, 1972. Now, I do not mean to advise this body that it is for financial reasons that the committee decided to vote against Mr. Johnson's resolution. It is not for financial reasons. As the President will report to you after

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this matter has been taken care of, we are solvent. We are in good financial condition and perhaps we could return, but it is the position of the Committee on Rules, as I have explained, that this would not be a proper thing. There were many factors which came into our minds as we deliberated on this particular issue. We now have one hundred of us here; we may not again have these one hundred. There are some of us who are a little older than others, and I hate to think that we might perhaps lose those and, of course, we would have new Delegates appointed, but you one hundred would not be with us, or some of you. We take that chance if we delay this matter. We have placed into operation and have considered the staff necessary, have made all of the arrangements, we think, that we could have made in proper fashion to place this matter on the ballot June 6, 1972. We recognize another distinct difficulty and possibility; I cannot say that this is the final ruling on this matter because should someone litigate the issue there might be a different decision; but it occurred to the chairman of the Rules Committee that if we delayed this matter, if we delayed adjournment sine die until after the June primary that those of us, and I am not one,I assure you, who may have an interest in running for public office in this state this year, 1972, would most certainly be foreclosed from that possibility. And I could not, for one, participate in asking any of you to foreclose that if your hearts and minds are set on that particular

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endeavor and if they are, as many of you have indicated as I read in the newspapers with you that you are somewhat interested, then I think you should have that opportunity. So, Mr. President and fellow Delegates, it is our recommendation that the resolution be not adopted and that we proceed as we are scheduled. Thank you.

PRESIDENT GRAYBILL: Mr. Johnson.

DELEGATE JOHNSON: Mr. President. May I speak a little bit on this?

PRESIDENT GRAYBILL: You betcha, Mr. Johnson.

DELEGATE JOHNSON: Thank you, sir. Fellow Delegates, I feel that -- and I always have since I came up here; I guess I better state my position, this special interest group that I represent. They include the Norwegian sheepherders up in the northeastern part of the state and the Indians on the reservations and the Irish cowboys over in Butte, and of course, those prospectors down along the Yellowstone; that's all of Montana; and this is the group that I came here to represent. I haven't had any particular friction, or that's not the word, trouble with my people back home. They haven't brought a lot of pressure on me, but I know pretty much how they feel about these things. I don't want to see this effort that all you folks have made, concentrated effort for the last many months -- and I've made it, too; I started studying what little I could get hold of, before we started

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getting these research analyst books, et cetera, when I had filed for the primary. I was very interested in doing a job here for Montana. This is a primary interest. It's cost a lot of money; it's cost a lot of people's time and surely do not want to waste it. I think we stand a little bit of a chance of wasting it. You heard -- I don't want to repeat what Mr. Murray told you because that would just take up some time. I might add that since I put the date of August 15th in here, that's an arbitrary date; that is a date though if we meet at that time we could still get it on the fall ballot. But I do think that the ideal thing to do would be actually to recess until -- for a year, until after the session of the next legislature, when this all would again be available to us. I do believe we could do this in ten days, or a short time. There might be two or three of us gone; I might not be here, either. Another winter would have gone by and you can slip and fall under a horse pretty easy, you know, in that time. But, there would be somebody to take my place surely and there would be somebody to take any of you fellow's place. There is not a one of us here that are indispensible, I'm sure; and there's no one here that isn't really dedicated to what he thinks is the best interest of Montana; I am sure of that. So I urge you to consider this very carefully when you vote. Thank you, Mr. Chairman, and all you people.

PRESIDENT GRAYBILL: Is there any debate on this

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matter? Mr. Kelleher.

DELEGATE KELLEHER: Mr. Chairman, I would like to say this, that I agree with a lot of things that Torrey says. I do wish that we had a little rest in there; I do think we went at it too fast, and I sure would recommend for future Montana Constitutional Conventions that they take the example of North Dakota. I think North Dakota was right and that we were wrong in the way we handled ours, but I'm also looking at the state of Missouri. Their's dragged on for about a year and a half to where the people just plain lost interest in it, and when it got on the ballot, they just didn't even turn out and vote for it, as I understand it. I think we've come this far now and we've done a pretty good job, and we should just hang in there.

PRESIDENT GRAYBILL: Mrs. Pemberton.

DELEGATE PEMBERTON: Mr. President, there's no one respects the position of my colleague from District One more than I do. We're very good friends, although I do not support his resolution. I know it was made in good faith and probably expresses the feeling of many of us, that we wish we did not have to be in such a hurry. In looking back over these past weeks, we have made many decisions, and I'm sure that Torrey will also think when we're through and go out over the state of Montana to explain the Constitution, he will be one of those who has the best explanation of all and will do a great

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job. I think it's great that he had the courage to come at this time with his resolution. I'm proud to be serving with him. Thank you.

PRESIDENT GRAYBILL: Very well. Mr. Johnson, do you want to close?

DELEGATE JOHNSON: You betcha. We want a roll call.

PRESIDENT GRAYBILL: Oh, you want a roll call. Very well, a roll call will be had. The issue is on the motion of the Rules Committee that we recommend that the resolution be not adopted that Mr. Johnson has presented you with. You have Mr. Johnson's Resolution Number Fifteen before you, and you have the Rules Committee's recommendation that we not adopt it.

Mr. Murray.

DELEGATE MURRAY: Mr. President. I don't mind using the board so that we will know how we have voted on the issue, but the rules do not provide for a roll call on resolutions.

PRESIDENT GRAYBILL: The rules don't provide for a roll call vote on resolutions. Is that your point?

Mr. Johnson.

DELEGATE JOHNSON: Mr. Chairman, I move that we suspend the rules in this case.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: I'll support that.

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PRESIDENT GRAYBILL: All in favor of suspending the rules, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: So ordered. Now, we've got that done. All right, we're going to have a roll call vote on Mr. Johnson's -- or on the Rules Committee proposal that we do not adopt Mr. Johnson's proposal. Now, if you vote Yes, you're voting with the Rules Committee not to adopt it. If you vote No, you're voting with Mr. Johnson. So, the ballot is open, and if you vote Yes, that's not to adopt it. If you vote No, that's to go with Mr. Johnson; so you vote Yes if you're ready to continue with the present planning, and you vote No if you want to wait till August, to put it bluntly.

Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, I'll close the ballot. Take the vote.

Aasheim	- Aye	Anderson, O.	- Aye
Anderson, J.	- Aye	Arbanas	- Aye

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1	Arness	- Aye	Davis	- Aye
2	Arónow	- Nay	Delaney	- Abs
3	Artz	- Nay	Driscoll	- Nay
4	Ask	- Aye	Drum	- Abs
5	Babcock	- Aye	Eck	- Aye
6	Barnard	- Aye	Erdmann	- Aye
7	Bates	- Aye	Eskildsen	- Abs
8	Belcher	- Aye	Etchart	- Nay
9	Berg	- Aye	Felt	- Abs
10	Berthelson	- Aye	Foster	- Aye
11	Blaylock	- Aye	Furlong	- Aye
12	Blend	- Aye	Garlington	- Aye
13	Bowman	- Aye	Graybill	- Aye
14	Brazier	- Nay	Gysler	- Nay
15	Brown	- Nay	Habedank	- Aye
16	Bugbee	- Aye	Hanson, R. S.	- Nay
17	Burkhardt	- Aye	Hanson, R.	- Aye
18	Cain	- Aye	Harbaugh	- Aye
19	Campbell	- Aye	Harlow	- Aye
20	Cate	- Aye	Harper	- Aye
21	Champoux	- Aye	Harrington	- Aye
22	Choate	- Aye	Heliker	- Aye
23	Conover	- Aye	Holland	- Abs
24	Cross	- Aye	Jacobsen	- Nay
25	Dahood	- Aye	James	- Nay

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Johnson	- Nay		Robinson	- Aye
Joyce	- Aye		Roeder	- Aye
Kamhoot	- Nay		Rollins	- Aye
Kelleher	- Aye		Romney	- Aye
Leuthold	- Aye		Rygg	- Aye
Loendorf	- Aye		Scanlin	- Nay
Lorello	- Aye		Schiltz	- Aye
Mahoney	- Aye		Siderius	- Nay
Mansfield	- Nay		Simon	- Aye
Martin	- Aye		Skari	- Nay
McCarvel	- Aye		Sparks	- Aye
McDonough	- Aye		Speer	- Aye
McKeon	- Nay		Studer	- Nay
McNeil	- Nay		Sullivan	- Aye
Melvin	- Aye		Swanberg	- Abs
Monroe	- Nay		Toole	- Aye
Murray	- Aye		Van Buskirk	- Aye
Noble	- Aye		Vermillion	- Aye
Nutting	- Nay		Wagner	- Aye
Payne	- Nay		Ward	- Nay
Pemberton	- Nay		Warden	- Abs
Rebal	- Nay		Wilson	- Nay
Reichert	- Aye		Woodmansey	- Aye

CLERK HANSON: Mr. President, sixty-seven voting Aye, twenty-six voting No.

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PRESIDENT GRAYBILL: Sixty-seven having voted Aye to sustain the Rules Committee, and twenty-six having voted No to wait until August, the motion fails.

Very well, Mr. Toole, would you come forward. Without objection, the Chair would like to move to Order of Business Number Eight, Unfinished Business.

(Vice President Toole assumes the Chair.)

VICE PRESIDENT TOOLE: The Chair will call on Mr. Graybill for a report on the budget.

DELEGATE GRAYBILL: Mr. President. Today is Friday, the 17th of March, and I have an Irish report for you. That's one that looks up on this day. If you'll take the budget report before you, I'd like to go over it with you, and I'd like to say to begin with that our financial condition looks brighter than it has at any time, and it does appear that we will get through, if we proceed on the present plans -- we'll get through our whole program in the black, which I think is very good news for this Convention. Now, first of all, notice that this budget is styled March 24th. Now, it obviously isn't March 24th yet; it's March 17th, but I asked -- our costs, our daily costs are quite stable and fixed, and I asked Mr. Brown to estimate for us where we would stand at the end of next week. I'm not saying we'll be through on Friday, but at least that gives us a pretty good idea of where we would be when we finished up and could

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adjourn. You'll notice that by that time we will have spent all the salary money; we will have spent all the wage money, except for five thousand seven dollars, which has been put in as part of the federal grant. Now, I told you I would show you the federal grant, and if you'll look at the bottom of the second column, you'll see that our total money is now five hundred twenty-nine thousand two hundred eighty-one dollars, and that's because we've added the thirty thousand dollars in. Now, we have not signed for the thirty thousand dollars, because we needed the committee that we just created yesterday, and we just haven't quite physically got it done, but the thirty thousand dollars is, we understand, available. Secondly, we cannot draw on the thirty thousand until the 31st of March, but when we do, we can draw as of the 1st of March. So, the three numbers in the first column that are asterisked, the five thousand seven dollars and the five hundred dollars under Communications, and the twenty-three thousand nine hundred dollars at the bottom, are the tentative allocation of the thirty thousand dollars to the budget. The request for the HUD funds did include paying for the Style and Drafting costs after March 1st. That's why the five thousand dollars is up there in Style and Drafting. In other words, we will be able to lend ourselves money and recover from HUD money to pay the costs of Style and Drafting from March 1st on. Style and Drafting didn't have too much to do

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before then, but a little, but we can't pick anything up behind March 1st. But we can pick up all the staff and lawyers' salaries up, and there's quite a lot of money there, because there are seven or eight typists up there. All right, that explains why that's up in that part of the budget. The rest of it is down there lumped in Public Information, where it really will go. All right. Now, the next thing I'd like to point out to you is that by next week the employee benefits will all be exhausted, and the five thousand seven dollars lays there and will be available to cover some of our costs there at that time. Now, we will be in a deficit position in some of these categories by then, but we have balanced that by our contingent fund. You will recall that our contingent fund was forty thousand dollars -- the last item down there, as budgeted -- and we've spent, by spreading it up there for these other costs to make the delegates' salaries and the wages and everything else come out even -- we've spent all but five thousand of that contingent fund by next March 24th. The next thing you should note, we didn't lose our heads and buy you a lot more stationery. The stationery expenses by next Friday are accrued at sixteen thousand, because we added in, at that line, the cost of the voter information pamphlet, which the bids came in at about twelve or thirteen thousand dollars, twelve thousand five, and we're buying a few extra copies -- so twelve or

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thirteen thousand dollars. We put it on that line because otherwise it would distort our contracted services, and the fact of the matter is, our stationery was stable and nobody was buying any more stationery, and that's why it's thrown in there. That's why that account now is in grave deficit there. Communications -- we have a little money left in postage, but we have accrued through next week enough, we believe, to send home the last batch of material that has to go home and go to the Clerks and Recorders and the libraries, so we're pretty close on that. I think that the telephone will also break about even then, although we might be a little over, because quite obviously we're going to have to keep some telephone service between March 24th and the 6th of June. I might tell you that the telephone company -- I think I hinted this before -- but the telephone company negotiated the bill with us when we took out all of that service. The upshot of it was that the bill through February 17th was negotiated to forty-six hundred dollars, and then, the addition from then until now brings it up, as you can see there, to fifty-six hundred dollars. We had a bill for the first month of fifty-one hundred once, but we talked them out of that, in a friendly manner. Okay. You can see that we anticipate spending about five hundred more on the telephone up until June. Now, travel, technically we're ahead on travel, because if we do not adjourn, if we work

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Monday and Tuesday and then have our final ceremonies, say, Thursday, and don't send you home for Wednesday, we really have saved one round trip. You've been paid two round trips. I hope all of you haven't spent the money you're to go home on, but you really don't get another round trip unless we bring you back here, in case of some disaster. So we really ended up -- we budgeted three round trips and we only spent two round trips. Now, contracted services, I'm happy to say that we are at the moment in good shape in printing. I realize that many of you have told me that you thought we printed an awful lot of stuff and put it on the desks, but we have had an awfully good deal on printing downstairs. You know, we bought the print shop and operated it jointly with the state office, and it really costs a ridiculously low figure to put one sheet of paper on your desks. I don't want to say how much; we're not quite through yet, but we've gotten by pretty well on printing. We're not quite through with printing, but we have accrued printing at the present rates through March 24th. It's conceivable that there might be some printing that we would need to get into in conjunction with voter information or voter education, but, basically, I think that you can say that we got by well on printing, and that's one of the reasons we're in good shape today. Our equipment rental and Xerox and that sort of thing is going to come out pretty close. Our court reporter, we've estimated

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spending all that we've accrued. We might actually be off on that. It's rather difficult to say. We've done this by checking with the reporters as to how many pages per day they think they are running, but the truth of the matter is, they haven't typed a whole lot. That is, I think we have the transcript typed -- perhaps Marie can tell us better than I, but I think it's typed up through maybe the 1st of March, or something like that, but most of the debate is not typed yet. And exactly how many pages, we don't know, but based on the number of pages they estimated, and taking it through next Friday, we'll come out about even. On our per diem, we come out in the hole, as you can see, and that's part of the money used borrowed from the contingent fund. In other words, we spent a hundred and seventy-seven, and we had budgeted a hundred and sixty. On our consultants, however, we came out ahead. We haven't spent near that amount of money, and we have a little there. On our Commission expense, I want you to note that we have at the moment picked up, by necessity, three thousand four hundred dollars worth of Commission expense. Now, about fifteen or sixteen hundred dollars of this, you'll remember, was picked up in the form of office supplies that we agreed to take, and a few of the books. The Commission had a debt which we did not pick up and which is not shown there. The reason that has grown to now thirty-four hundred dollars is that as we've laid off some employees

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who had been working for the Commission, some of them have been working more than a year for the state, and they had accrued vacations and they had accrued other fringe benefits, and we've had to pay our share of it, and since the Commission had no money, we have paid the Commission's share of those fringe benefits. On public information, because of some reverses in the filming industry, we didn't get our film thing worked out because of changing the date. We saved a lot of money there, and public information ended up with quite a bit of its money. And of course, we've put with it the balance of the HUD money, the total being forty-six thousand. Now, we hope to spend, say, fifty thousand on public information, as that pamphlet -- or as that memo said the other day, but you can see that the fifty thousand is, in fact, available, because we have five thousand left in the contingent fund, assuming that everything works out as of, say, March 24th of next week. So, if everything works out fine and we -- you see, the balance that we'll have unencumbered after next March 24th, after we adjourn, will be about fifty-eight thousand dollars. If we spend, say, fifty thousand for public information, we are in the black. So I think that's good news, and I'm happy to report it. I intend to continue to hold the line. We might even be in the black more, but at least we can now see the end of the tunnel, and it looks like we're going to make it. Now, are there questions?

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VICE PRESIDENT TOOLE: Mr. Monroe.

DELEGATE MONROE: Oh, excuse me, Vice President Toole. Mr. Acting Chairman, I --

VICE PRESIDENT TOOLE: Mr. Monroe.

DELEGATE MONROE: Mr. Acting Chairman, will Mr. Graybill yield to a question?

DELEGATE GRAYBILL: Yes, Mr. Monroe.

DELEGATE MONROE: I was wondering who will bear the expenses of the journal being printed?

DELEGATE GRAYBILL: Well, now, I think I know what you're getting at, and I'll discuss it with you. You don't mean the journal, which is what Rosemary types, the transcript and that. You mean the transcript, and the situation on the transcript is this: The fifteen thousand dollars pays for one copy, which Marie Durkee delivers to us as she finishes it, and her contract provides for one dollar fifty cents a page and so much a day, I think forty dollars a day, and she has to deliver it by July 1st. She's typing on it and so is Marie. That is, they split this to type -- one types and one works here, and so forth, but they don't pretend to be up with us. Now, when the rest of it is typed, they will give us this one copy. We now have about twelve hundred pages of it. Now, because of the danger, quite frankly, that Mr. Toole and I saw in that something might happen to that one copy, we did decide to print in our shop downstairs a few copies. We

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tried to price it out and we had a lot of difficulty getting a price, and finally, we got one and we determined to print about ten copies for the pure purpose of having more than one. I didn't want a St. Louis incident to happen and have us lose the transcript. So we printed ten. Now, all we've printed so far is ten copies of the first eleven hundred pages, but we had intended to print ten copies of the whole eight or nine thousand pages, as they become available. But one of the reasons, if I -- I think this is an open convention, we might as well be completely open about it -- one of the reasons I was off the Chair this morning was that we got an estimate up from downstairs that it was going to cost us five thousand dollars to print the rest of the transcript, because we weren't going to own the print shop after next week. We had a little discussion about that and called a few people, and I'm happy to report that we will get out ten copies for about seven hundred and fifty dollars total, and they have dropped back down to a labor and materials only cost on us, and we're in good shape. This is about ten copies of the transcript. Now, what we're going to do with those, if the Constitution happens to pass, the legislature will clearly have the duty to provide printed copies of the transcript for law libraries and everybody else. If it happens to fail, I suppose there will not be such a great interest in printing the eight thousand page or ten thousand

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page transcript, and in that case, we would see that the universities, both of them, major ones and the Historical Society, and -- we'd spread these ten copies among the major libraries and archives, and that'll be that. And if you have a little mimeograph machine, why, we'll see that you can print one for yourself at five cents a page. Other questions?

VICE PRESIDENT TOOLE: Mr. Hanson.

DELEGATE ROD HANSON: Yes, Mr. President. Leo, on special expenses, per diem, there, we show a hundred and sixty thousand budgeted, and a hundred and seventy-seven thousand five hundred spent, with nothing encumbered and no balance.

DELEGATE GRAYBILL: Well, the reason -- that's what I explained. What Mr. Brown did, we only figured for only nine weeks, I believe it was, see. Well, that ends tomorrow, but he computed, now, in the third column there, the hundred and seventy-seven thousand, what our per diem will be through next Friday. So, it ran us over our nine-week budget and he used the money in the contingent fund; the forty thousand we initially had has been spread part of it back up there and part of it back, you see, at the top line. We will have spent a hundred and eight thousand in our salaries, when we only had budgeted ninety-six thousand for the first nine weeks. And the same is true of staff. We budgeted at sixty-six and

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we spent seventy-one, etc., etc., see. He has taken our famous contingent fund -- it's now gone after next Friday, see.

DELEGATE ROD HANSON: (Inaudible -- speaker not turned on) -- the university budget comes out. (Laughter)

VICE PRESIDENT TOOLE: Mr. Leuthold.

DELEGATE LEUTHOLD: Mr. President. Some people are asking why are we getting thirty thousand from the Federal government, and I can't give them an answer, and I was wondering if you could clear that up. Why do we get thirty thousand from the Federal government?

DELEGATE GRAYBILL: We applied for a grant from HUD. Many other have applied. The whole state reorganization program, that is our twenty department reorganization program, is financed by HUD, the organizational part of it. Many other public bodies have done this. The state of North Dakota just got forty thousand from HUD for the same purpose. We applied for it, and we explained what we wanted it for, and we told them we wanted it so that the Style and Drafting Committee would have -- we wanted it for funding part of the Convention expenses, namely Style and Drafting; we wanted it for public education purposes, because we anticipated that without it, we would not have sufficient funds to adequately inform the public, and they will buy public education, which we're doing, and this is the voter information pamphlet, and this is the panel programs on the TV and that sort of thing. In other

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words, the public information will be obviously funded half by them and half by us, and they have a program -- HUD has a program, the purpose of which is to assist any local governmental unit which cares -- which attempts to improve its governmental forms or facilities -- any local governmental unit that is working on a project which will improve local government. HUD has a program for that, and we applied and we got it; that's all.

VICE PRESIDENT TOOLE: Any further discussion on the budget:

Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. Chairman. Leo, on this fifty thousand dollars we have that we're going to spend for this education, now, I take it this will be neutral insofar as it goes out on TV and radio and things like that. This is simply education; it's not pro-constitution or anti-constitution.

DELEGATE GRAYBILL: Well, when you say, neutral -- I mean, you can't honestly mean neutral. But we're going to let you and we're going to let Archie both explain it at the same time. (Laughter) Now, even I can't call that neutral, but we're going to explain it fairly. We have Mr. Schiltz's resolution, and we have him on the committee, and we're going to explain it fairly and broadly, and we're going to tell them what's in and what's out; we're going to

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answer questions fairly, and we're going to put out information that is -- many of you have seen the Illinois thing, and we'll do the same thing. We'll put the new text; we'll put in color what this changes. Certain parts are out of the old Constitution, this is the same as certain parts of the old Constitution, etc., etc. And, yes, we're going to be objective. We're going to be objective. Any other questions?

VICE PRESIDENT TOOLE: Mrs. Reichert.

DELEGATE REICHERT: Mr. Chairman. I would just like to say on behalf of the other ninety-nine Delegates who I know must share my opinion that it's highly commendable that we were able to operate in this fashion in these days when budgets are so seldom balanced. Thank you very much for all the hard work.

DELEGATE GRAYBILL: Well, if you celebrate this tonight, do it on somebody else's money. (Laughter)

VICE PRESIDENT TOOLE: Mr. Davis.

DELEGATE DAVIS: Mr. Slavedriver; I mean, Mr. President. This is off the budget, but what do you foresee our schedule next week? Now, it's a little off the budget.

DELEGATE GRAYBILL: Well, we're going to debate General Government tomorrow. May I use this time, Mr. President, to explain the schedule?

VICE PRESIDENT TOOLE: Yes, sir.

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DELEGATE GRAYBILL: And I don't know, Carl, but the best estimates that I have are that we're going to debate General Government tomorrow. I don't know whether we'll finish, but it's possible that we might finish. Then on Monday morning, we have to take up Style and Drafting on Local Government and on General Government. They will, they have -- theoretically, I think Mr. Schiltz has got Style and Drafting done on Local Government, or will have it tonight, but we can't get it printed tomorrow without overtime, and I still haven't let them do that. But they'll print that between 8:00 and 9:00 or 8:00 and 9:30 in the morning; we'll be able to go Monday morning on Style and Drafting on Local Government, and he will have style and drafted over the week-end on General Government, and we'll be able to go on that as soon as we're finished. Now, if we have to debate a half a day on General Government, fine, but in other words, we'll finish up those Style and Draftings first. The reason we must go Monday on that is that the other processes simply can't go forward until we have style and drafted all of these ten articles and sendthem back through Order of Business Number Five. Now, as soon as we have done that, we'll finish Order of Business Number Five on Bill of Rights, which we might do tomorrow, if we got through with General Government, or if we took it first. Either that, or General Government might take more than a day, see. But by Monday night, we

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ought to be through with that; that is, with Order of Business Number Five on Bill of Rights. Then we've got Order of Business Number Five on Local and General Government, which we'll either do Monday or Tuesday. By that time, Mr. Schiltz has got to come up with his corker, the ballots, and we've got to debate Style and Drafting's substantive proposal for a ballot. And after we've debated that, then Style and Drafting and the machines have to print and type. Now, that'll be, I suppose, Tuesday and Wednesday. If we were really through Tuesday, we might shoot for Thursday, but if we're not really through Tuesday, we're probably shooting for Friday, in order to give them one day to pull this thing together, type up perfect copies so we can sign them, et cetera, and then Mr. Garlington's going to take care of us on either Thursday or Friday with a closing ceremony that shouldn't take all day, but it'll either take all morning or it'll take all afternoon, you know, until 3:00 or 4:00 o'clock, and then we'll be all through. Now, that's how I see it, but that's assuming you only talk one day on General Government, and that you don't debate the ballot for six days.

VICE PRESIDENT TOOLE: Mr. Schiltz.

DELEGATE SCHILTZ: Mr. President, I have a dual purpose here. One, I'd like to say that I would like to ask the President if Style and Drafting, which is going to meet at 8:00 o'clock tomorrow morning -- that's one of the purposes

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-- will you please point out that we don't get any of that five thousand and seven dollars that the committee members --

Mr. President.

DELEGATE GRAYBILL: You mean you've given that money back to the staff? (Laughter) Right, that's for salaries for the staff, and it's for salaries for the secretaries, and it's for all the other people. You do get paid the same stipend as the rest of us do for the time you put in. (Laughter)

VICE PRESIDENT TOOLE: Mr. Murray.

DELEGATE MURRAY: Mr. Vice President, I move that the Convention adopt the President's budget report.

VICE PRESIDENT TOOLE: You've heard the motion that the budget be adopted. All in favor, say Aye.

DELEGATES: Aye.

VICE PRESIDENT TOOLE: Opposed, No.

DELEGATES: (No audible response)

VICE PRESIDENT TOOLE: Motion's carried.

(President Graybill assumes the Chair.)

PRESIDENT GRAYBILL: Very well. Members of the Committee, may we be on Order of Business Number Eleven. On Order of Business Number Eleven, I'd like to remind the Voter Education Committee that we want to have a meeting. Now, since we're this late, we'll make it very short, but

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let's have a short meeting in the -- we'd better have it in the Rules Committee room here, the Rules Committee room, on adjournment. Secondly, I am asked to call on Mr. McCarvel. Do you want to make a motion, or is Mr. McNeil up for the same purpose?

Mr. McNeil.

DELEGATE McNEIL: Mr. Chairman, I rise for a point of personal privilege on behalf of those of us who have sufficient Irish heritage to be able to celebrate this day with a clear conscious. For the record, I ask that St. Patrick forgive my good friend Marshall Murray, for wearing a sacrilegious pink shirt while he's presiding over this body on this very special day. (Laughter)

PREIDENT GRAYBILL: Very well, we'll note that.

Mr. McCarvel, do you want to make Resolution Number Sixteen.

DELEGATE McCARVEL: Yes, Mr. Chairman, if you would read --

PRESIDENT GRAYBILL: Would you like it read? Will the Clerk read Resolution Number Sixteen.

CLERK HANSON: (Reading) Resolution Number Sixteen; on the 17th. We the undersigned declare on this 17th day of March, 1972, that row six on the left side of Convention Hall, seats numbered sixty-five through seventy, be known as Irish Row, with a little Scotch. Signed, Joseph McCarvel, Number

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Sixty-five -- (End reading)

PRESIDENT GRAYBILL: Mason O'Melvin -- can't you read? (Laughter)

CLERK HANSON: I certainly can't. (Laughter) (Reading) Mike McKeon, Number Sixty-six; C. B. McNeil, Number Sixty- -- (End reading) No -- (Reading) McDonough, Number Sixty-six; Mike McKeon, Number Sixty-seven; C. B. McNeil, Number Sixty-eight; Mason O'Melvin, Number Sixty-nine; and Lyle Monroe, Number Seventy. (End reading)

Mr. Chairman.

PRESIDENT GRAYBILL: Well, I'd refer that to the Rules Committee, but you've just destroyed your credibility with the Rules Committee, and I think you're in trouble, Mr. McNeil. (Laughter)

DELEGATE McNEIL: Mr. Chairman, although that resolution states that the row is on the left, I would like the record to reflect that my good friend, Mason Melvin, has the incongruity of having the extreme left on his right, and the extreme right on his left. (Laughter)

PRESIDENT GRAYBILL: And all the good sense in the middle, Mr. Melvin. (Laughter) Are there other important announcements before we adjourn?

Mr. Champoux.

DELEGATE CHAMPOUX; You know, I couldn't let this go before letting you all know that last night in President

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Nixon's address, he totally agreed with the Educational Committee of the Montana Constitutional Convention, and what you people passed, when he proposed that the Congress set up an Equal Educational Opportunities Act, requiring that -- and I'm quoting -- every state and locality must grant equal educational opportunity to every person, regardless of race, color or national origin. I'm sure he got his message from us. Thank you.

PRESIDENT GRAYBILL: Very well. Mr. Murray, I wonder if you would make a motion to adjourn.

DELEGATE MURRAY: Mr. President, I move that the Convention adjourn until 9:00 A.M., March 18, 1972.

PRESIDENT GRAYBILL: Now, before you vote on that, the State Auditor's office will be open until 6:00 o'clock. You've got fifteen minutes.

All in favor of adjourning, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

(Adjournment 5:45 P.M.)

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MONTANA CONSTITUTIONAL CONVENTION

49th Convention Day

Saturday, March 18, 1972 Convention Hall

9:10 o'clock, A.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will be in order. The Convention will be in order. If you'll all rise, Mr. Arbanas will lead us in the Invocation this morning.

DELEGATE ARBANAS: Let us join together in the prayer of St. Francis. Lord, make me an instrument of your peace. Where there's hatred, let me so love. Where there's injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. O Divine Master, grant that I may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love, for it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life. Amen.

PRESIDENT GRAYBILL: We'll take attendance today by voting Aye on the voting machines.

CLERK HANSON: Mr. President, may Delegates Delaney and Felt be excused this day?

PRESIDENT GRAYBILL: Delaney and Felt are excused.

CLERK HANSON: Delegate Hanson, Rod; Delegate Holland; Delegate Mahoney; Delegate Pemberton; Delegate Holland;

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Delegate Pemberton.

PRESIDENT GRAYBILL: Very well, take the attendance.

Aasheim	- Aye	Cate	- Aye
Anderson, J.	- Aye	Champoux	- Aye
Anderson, O.	- Aye	Choate	- Aye
Arbanas	- Aye	Conover	- Aye
Arness	- Aye	Cross	- Aye
Aronow	- Aye	Dahood	- Aye
Artz	- Aye	Davis	- Aye
Ask	- Aye	Delaney	- Abs
Babcock	- Aye	Driscoll	- Aye
Barnard	- Aye	Drum	- Aye
Bates	- Aye	Eck	- Aye
Belcher	- Aye	Erdmann	- Aye
Berg	- Aye	Eskildsen	- Aye
Berthelson	- Aye	Etchart	- Aye
Blaylock	- Aye	Felt	- Abs
Blend	- Aye	Foster	- Aye
Bowman	- Aye	Furlong	- Aye
Brazier	- Aye	Garlington	- Aye
Brown	- Aye	Graybill	- Aye
Bugbee	- Aye	Gysler	- Aye
Burkhardt	- Aye	Habedank	- Aye
Cain	- Aye	Hanson, R. S.	- Aye
Campbell	- Aye	Hanson, R.	- Aye

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Harbaugh	- Aye		Noble	- Aye
Harlow	- Aye		Nutting	- Aye
Harper	- Aye		Payne	- Aye
Harrington	- Aye		Pemberton	- Abs
Heliker	- Aye		Rebal	- Aye
Holland	- Abs		Reichert	- Aye
Jacobsen	- Aye		Robinson	- Aye
James	- Aye		Roeder	- Aye
Johnson	- Aye		Rollins	- Aye
Joyce	- Aye		Romney	- Aye
Kamhoot	- Aye		Rygg	- Aye
Kelleher	- Aye		Scanlin	- Aye
Leuthold	- Aye		Schiltz	- Aye
Loendorf	- Aye		Siderius	- Aye
Lorello	- Aye		Simon	- Aye
Mahoney	- Aye		Skari	- Aye
Mansfield	- Aye		Sparks	- Aye
Martin	- Aye		Speer	- Aye
McCarvel	- Aye		Studer	- Aye
McDonough	- Aye		Sullivan	- Aye
McKeon	- Aye		Swanberg	- Aye
McNeil	- Aye		Toole	- Aye
Melvin	- Aye		Van Buskirk	- Aye
Monroe	- Aye		Vermillion	- Aye
Murray	- Aye		Wagner	- Aye

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Ward	- Aye		Wilson	- Aye
Warden	- Aye		Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-six Delegates present, two excused, and two absent.

PRESIDENT GRAYBILL: Very well, that's a quorum. Order of Business Number One, Reports of Standing Committees.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Two, Select Committees.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Three, Communications.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Four, Introduction and Reference.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Five. Ladies and gentlemen, under of Order of Business Number Five this morning we have the Bill of Rights Proposal, which we'll take up at this time. We will have placed upon your desks, we hope before the end of the session this morning, the Education and Public Health Articles for final adoption, and before I begin on the Bill of Rights section, Mr. Dahood has asked to be recognized.

Mr. Dahood.

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DELEGATE DAHOOD: Mr. Chairman, I rise to a point of personal privilege and also on behalf of the Bill of Rights Committee. Yesterday morning throughout several of the newspapers of the state of Montana, including the newspaper from my own area, the front page headlines carried stories that Con-Con threatens no fault insurance. A press release was issued yesterday. Unfortunately, we have not been given equal position with respect to that. So that the Delegates may be fully informed, I wish to read from the release that was made yesterday in response to it: It is totally beyond legal logic for anyone to contend that the Bill of Rights Proposal has an effect on the no fault insurance concept. There is absolutely no way that such a conclusion can be reached by a fair, sound-thinking person. The present attack on that section of the Bill of Rights which only restores to an injured working man in certain situations his right to full legal redress is unfair, unjust, and in many respects, dishonest. For a number of weeks this section of the Bill of Rights was discussed, debated and circulated. Not a single critic of the section was able to seriously contend that this section prohibited the legislature from considering no fault insurance in the future. This section was fully debated by the Convention, and before that at a public Committee hearing after proper notice was posted. We indicated in our comments, we indicated in debate on the floor, the journal will reflect,

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the Committee hearing records will show that we answered the several questions with respect to it to the effect that no fault was not involved in any way. On behalf of the Committee, I am going to add to the comments in the Bill of Rights Proposal, so that there can never be any question about it under any circumstance nor by anyone, the following: Further, it is the intent of the Committee that the additional wording shall not be construed to preclude the adoption of a no fault insurance plan for the state of Montana. Thank you for the privilege, Mr. Chairman.

PRESIDENT GRAYBILL: Very well. Will the Clerk please read Order of Business Number Five, the Bill of Rights number eight. Now, that's this uncovered Order of Business Number Five report on the Bill of Rights, which you should have before you, which we will use in finally adopting the Bill of Rights Article. Does everyone have it?

(No response)

PRESIDENT GRAYBILL: Very well. Mr. Clerk, will you read the title and the preamble?

CLERK HANSON: (Reading) Order of Business Number Five, Final Consideration, Style and Drafting, Bill of Rights, number eight. Preamble. (End reading)

Mr. President.

PRESIDENT GRAYBILL: Very well, you have before you the preamble of Bill of Rights Article number eight, on Order

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of Business Number Five. All in favor, vote Aye, and opposed, vote No on the voting machines. We're on Final Adoption, and we take a roll call vote on each Article, each section. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Bowman	- Aye
Anderson, J.	- Aye	Brazier	- Aye
Anderson, O.	- Aye	Brown	- Abs
Arbanas	- Aye	Bugbee	- Aye
Arness	- Aye	Burkhardt	- Aye
Aronow	- Aye	Cain	- Aye
Artz	- Aye	Campbell	- Aye
Ask	- Aye	Cate	- Aye
Babcock	- Aye	Champoux	- Aye
Barnard	- Aye	Choate	- Aye
Bates	- Aye	Conover	- Abs
Betcher	- Aye	Cross	- Aye
Berg	- Aye	Dahood	- Aye
Berthelson	- Aye	Davis	- Aye
Blaylock	- Aye	Delaney	- Abs
Blend	- Aye	Driscoll	- Aye

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1	Drum	- Aye	Kelleher	- Aye
2	Eck	- Aye	Leuthold	- Aye
3	Erdmann	- Aye	Loendorf	- Aye
4	Eskildsen	- Aye	Lorello	- Aye
5	Etchart	- Aye	Mahoney	- Aye
6	Felt	- Abs	Mansfield	- Aye
7	Foster	- Aye	Martin	- Aye
8	Furlong	- Aye	McCarvel	- Aye
9	Garlington	- Aye	McDonough	- Aye
10	Graybill	- Aye	McKeon	- Abs
11	Gysler	- Aye	McNeil	- Aye
12	Habedank	- Aye	Melvin	- Aye
13	Hanson, R. S.	- Aye	Monroe	- Aye
14	Hanson, R.	- Aye	Murray	- Aye
15	Harbaugh	- Aye	Noble	- Aye
16	Harlow	- Aye	Nutting	- Aye
17	Harper	- Aye	Payne	- Aye
18	Harrington	- Aye	Pemberton	- Abs
19	Heliker	- Aye	Rebal	- Aye
20	Holland	- Abs	Reichert	- Aye
21	Jacobsen	- Aye	Robinson	- Aye
22	James	- Aye	Roeder	- Abs
23	Johnson	- Aye	Rollins	- Nay
24	Joyce	- Aye	Romney	- Aye
25	Kamhoot	- Aye	Rygg	- Aye

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Scanlin	- Aye	Swanberg	- Aye
Schiltz	- Aye	Toole	- Aye
Siderius	- Aye	Van Buskirk	- Aye
Simon	- Aye	Vermillion	- Aye
Skari	- Aye	Wagner	- Aye
Sparks	- Aye	Ward	- Aye
Speer	- Aye	Warden	- Aye
Studer	- Aye	Wilson	- Aye
Sullivan	- Aye	Woodmansey	- Aye

PRESIDENT GRAYBILL: Will the Clerk please announce the vote?

CLERK HANSON: Mr. President, ninety-one Delegates voting Aye, one voting No.

PRESIDENT GRAYBILL: Very well. Read the title of the Article and section one.

CLERK HANSON: (Reading) Declaration of Rights, Section one, Popular Sovereignty. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as are in favor of section one, vote Aye on the voting machines; so many as are opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

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PRESIDENT GRAYBILL: Cast the ballot. Everyone's present except those excused and Holland and Pemberton.

Aasheim	- Aye	Cate	- Aye
Anderson, J.	- Aye	Champoux	- Aye
Anderson, O.	- Aye	Choate	- Aye
Arbanas	- Aye	Conover	- Aye
Arness	- Aye	Cross	- Aye
Aronow	- Aye	Dahood	- Aye
Artz	- Aye	Davis	- Aye
Ask	- Aye	Delaney	- Abs
Babcock	- Aye	Driscoll	- Aye
Barnard	- Aye	Drum	- Aye
Bates	- Aye	Eck	- Aye
Belcher	- Aye	Erdmann	- Aye
Berg	- Aye	Eskildsen	- Aye
Berthelson	- Aye	Etchart	- Aye
Blaylock	- Aye	Felt	- Abs
Blend	- Aye	Foster	- Aye
Bowman	- Aye	Furlong	- Aye
Brazier	- Aye	Garlington	- Aye
Brown	- Aye	Graybill	- Aye
Bugbee	- Aye	Gysler	- Aye
Burkhardt	- Aye	Habedank	- Aye
Cain	- Aye	Hanson, R. S.	- Aye
Campbell	- Aye	Hanson, R.	- Aye

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1	Harbaugh	- Aye	Noble	- Aye
2	Harlow	- Aye	Nutting	- Aye
3	Harper	- Aye	Payne	- Aye
4	Harrington	- Aye	Pemberton	- Abs
5	Heliker	- Aye	Rebal	- Aye
6	Holland	- Abs	Reichert	- Aye
7	Jacobsen	- Aye	Robinson	- Aye
8	James	- Aye	Roeder	- Aye
9	Johnson	- Aye	Rollins	- Aye
10	Joyce	- Aye	Romney	- Aye
11	Kamhoot	- Aye	Rygg	- Aye
12	Kelleher	- Aye	Scanlin	- Aye
13	Leuthold	- Aye	Schiltz	- Aye
14	Loendorf	- Aye	Siderius	- Aye
15	Lorello	- Aye	Simon	- Aye
16	Mahoney	- Aye	Skari	- Aye
17	Mansfield	- Aye	Sparks	- Aye
18	Martin	- Aye	Speer	- Aye
19	McCarvel	- Aye	Studer	- Aye
20	McDonough	- Aye	Sullivan	- Aye
21	McKeon	- Aye	Swanberg	- Aye
22	McNeil	- Aye	Toole	- Aye
23	Melvin	- Aye	Van Buskirk	- Aye
24	Monroe	- Aye	Vermillion	- Aye
25	Murray	- Aye	Wagner	- Aye

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Ward	- Aye	Wilson	- Aye
Warden	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-six Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Section one is adopted. Section two.

CLERK HANSON: (Reading) Section two, Self-Government. (End reading)

Mr. President.

PRESIDENT GRAYBILL: All those in favor of section two on Self-Government, please vote Aye on the voting machines; opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Babcock	- Aye
Anderson, J.	- Aye	Barnard	- Aye
Anderson, O.	- Aye	Bates	- Aye
Arbanas	- Aye	Belcher	- Aye
Arness	- Aye	Berg	- Aye
Aronow	- Aye	Berthelson	- Aye
Artz	- Aye	Blaylock	- Aye
Ask	- Aye	Blend	- Abs

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1	Bowman	- Aye	Graybill	- Aye
2	Brazier	- Aye	Gysler	- Aye
3	Brown	- Aye	Habedank	- Aye
4	Bugbee	- Aye	Hanson, R. S.	- Aye
5	Burkhardt	- Aye	Hanson, R.	- Aye
6	Cain	- Aye	Harbaugh	- Aye
7	Campbell	- Aye	Harlow	- Aye
8	Cate	- Aye	Harper	- Aye
9	Champoux	- Aye	Harrington	- Aye
10	Choate	- Aye	Heliker	- Aye
11	Conover	- Aye	Holland	- Abs
12	Cross	- Aye	Jacobsen	- Aye
13	Dahood	- Aye	James	- Aye
14	Davis	- Aye	Johnson	- Aye
15	Delaney	- Abs	Joyce	- Aye
16	Driscoll	- Aye	Kamhoot	- Aye
17	Drum	- Aye	Kelleher	- Aye
18	Eck	- Aye	Leuthold	- Aye
19	Erdmann	- Aye	Loendorf	- Aye
20	Eskildsen	- Aye	Lorello	- Aye
21	Etchart	- Aye	Mahoney	- Aye
22	Felt	- Abs	Mansfield	- Aye
23	Foster	- Aye	Martin	- Aye
24	Furlong	- Aye	McCarvel	- Aye
25	Garlington	- Aye	McDonough	- Aye

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McKeon	- Aye	Schiltz	- Aye
McNeil	- Aye	Siderius	- Aye
Melvin	- Aye	Simon	- Aye
Monroe	- Aye	Skari	- Aye
Murray	- Aye	Sparks	- Aye
Noble	- Aye	Speer	- Aye
Nutting	- Aye	Studer	- Aye
Panye	- Aye	Sullivan	- Aye
Pemberton	- Abs	Swanberg	- Aye
Rebal	- Aye	Toole	- Aye
Reichert	- Aye	Van Buskirk	- Aye
Robinson	- Aye	Vermillion	- Aye
Roeder	- Aye	Wagner	- Aye
Rollins	- Aye	Ward	- Aye
Romney	- Aye	Warden	- Aye
Rygg	- Aye	Wilson	- Aye
Scanlin	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-four Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Section two is therefore adopted. Section three. All those Delegates --

DELEGATE JOHNSON: Delegate Johnson, I voted Aye on the last one.

PRESIDENT GRAYBILL: Johnson wants to be shown as voting Aye on the last one. Very well.

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So many as are in favor of section three, Inalienable Rights, please vote Aye on the voting machines; opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, we'll close the vote and take the ballot.

Mr. Holland, the journal may show your presence.

Aasheim	- Abs	Blend	- Aye
Anderson, J.	- Aye	Bowman	- Aye
Anderson, O.	- Aye	Brazier	- Aye
Arbanas	- Aye	Brown	- Aye
Arness	- Nay	Bugbee	- Aye
Aronow	- Aye	Burkhardt	- Aye
Artz	- Aye	Cain	- Aye
Ask	- Aye	Campbell	- Aye
Babcock	- Aye	Cate	- Aye
Barnard	- Aye	Champoux	- Aye
Bates	- Aye	Choate	- Aye
Belcher	- Aye	Conover	- Aye
Berg	- Aye	Cross	- Aye
Berthelson	- Aye	Dahood	- Aye
Blaylock	- Aye	Davis	- Aye

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1	Delaney	- Abs	Joyce	- Aye
2	Driscoll	- Aye	Kamhoot	- Aye
3	Drum	- Aye	Kelleher	- Aye
4	Eck	- Aye	Leuthold	- Aye
5	Erdmann	- Aye	Loendorf	- Aye
6	Eskildsen	- Aye	Lorello	- Abs
7	Etchart	- Aye	Mahoney	- Aye
8	Felt	- Abs	Mansfield	- Aye
9	Foster	- Aye	Martin	- Aye
10	Furlong	- Aye	McCarvel	- Aye
11	Garlington	- Aye	McDonough	- Aye
12	Graybill	- Aye	McKeon	- Aye
13	Gysler	- Aye	McNeil	- Aye
14	Habedank	- Aye	Melvin	- Aye
15	Hanson, R. S.	- Aye	Monroe	- Aye
16	Hanson, R.	- Aye	Murray	- Aye
17	Harbaugh	- Aye	Noble	- Aye
18	Harlow	- Aye	Nutting	- Aye
19	Harper	- Aye	Payne	- Aye
20	Harrington	- Aye	Pemberton	- Abs
21	Heliker	- Aye	Rebal	- Aye
22	Holland	- Abs	Reichert	- Aye
23	Jacobsen	- Aye	Robinson	- Aye
24	James	- Aye	Roeder	- Aye
25	Johnson	- Aye	Rollins	- Nay

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Romney	- Aye	Sullivan	- Aye
Rygg	- Aye	Swanberg	- Aye
Scanlin	- Aye	Toole	- Aye
Schiltz	- Aye	Van Buskirk	- Aye
Siderius	- Aye	Vermillion	- Aye
Simon	- Aye	Wagner	- Aye
Skari	- Aye	Ward	- Aye
Sparks	- Aye	Warden	- Aye
Speer	- Aye	Wilson	- Aye
Studer	- Abs	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-one Delegates voting Aye, two voting No.

PRESIDENT GRAYBILL: Very well, section four is adopted. Section five.

Mr. Clerk.

CLERK HANSON: That's section --

PRESIDENT GRAYBILL: Oh, right; right. Section four, pardon me.

CLERK HANSON: (Reading) Section four, Individual Dignity. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as are in favor of section four, vote Aye on the voting machines; so many as are opposed, vote No. Has every Delegate voted?

(No response)

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PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Cain	- Aye
Anderson, J.	- Aye	Campbell	- Aye
Anderson, O.	- Aye	Cate	- Aye
Arbanas	- Aye	Champoux	- Aye
Arness	- Aye	Choate	- Aye
Aronow	- Aye	Conover	- Aye
Artz	- Aye	Cross	- Aye
Ask	- Aye	Dahood	- Aye
Babcock	- Aye	Davis	- Aye
Barnard	- Aye	Delaney	- Abs
Bates	- Aye	Driscoll	- Aye
Belcher	- Aye	Drum	- Aye
Berg	- Aye	Eck	- Aye
Berthelson	- Aye	Erdmann	- Aye
Blaylock	- Aye	Eskildsen	- Aye
Blend	- Aye	Etchart	- Aye
Bowman	- Aye	Felt	- Abs
Brazier	- Aye	Foster	- Aye
Brown	- Aye	Furlong	- Aye
Bugbee	- Abs	Garlington	- Aye
Burkhardt	- Aye	Graybill	- Aye

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1	Gysler	- Aye	McNeil	- Aye
2	Habedank	- Aye	Melvin	- Aye
3	Hanson, R. S.	- Aye	Monroe	- Aye
4	Hanson, R.	- Aye	Murray	- Aye
5	Harbaugh	- Aye	Noble	- Aye
6	Harlow	- Aye	Nutting	- Aye
7	Harper	- Aye	Payne	- Aye
8	Harrington	- Aye	Pemberton	- Abs
9	Heliker	- Aye	Rebal	- Aye
10	Holland	- Abs	Reichert	- Aye
11	Jacobsen	- Aye	Robinson	- Aye
12	James	- Aye	Roeder	- Aye
13	Johnson	- Aye	Rollins	- Aye
14	Joyce	- Aye	Romney	- Aye
15	Kamhoot	- Aye	Rygg	- Aye
16	Kelleher	- Aye	Scanlin	- Aye
17	Leuthold	- Aye	Schiltz	- Aye
18	Loendorf	- Aye	Siderius	- Aye
19	Lorello	- Aye	Simon	- Aye
20	Mahoney	- Aye	Skari	- Aye
21	Mansfield	- Aye	Sparks	- Aye
22	Martin	- Aye	Speer	- Aye
23	McCarvel	- Aye	Studer	- Aye
24	McDonough	- Aye	Sullivan	- Aye
25	McKeon	- Aye	Swanberg	- Aye

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Toole	- Aye	Ward	- Aye
Van Buskirk	- Aye	Warden	- Aye
Vermillion	- Aye	Wilson	- Aye
Wagner	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-five Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Very well, section four is adopted. Section five.

CLERK HANSON: (Reading) Section five, Freedom of Religion. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section five, vote Aye on the voting machines; so many as are opposed, vote No. Is there any Delegate who hasn't voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Artz	- Aye
Anderson, J.	- Aye	Ask	- Aye
Anderson, O.	- Aye	Babcock	- Aye
Arbanas	- Aye	Barnard	- Aye
Arness	- Aye	Bates	- Aye
Aronow	- Aye	Belcher	- Aye

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1	Berg	- Aye	Felt	- Abs
2	Berthelson	- Aye	Foster	- Aye
3	Blaylock	- Aye	Furlong	- Aye
4	Blend	- Aye	Garlington	- Aye
5	Bowman	- Aye	Graybill	- Aye
6	Brazier	- Aye	Gysler	- Aye
7	Brown	- Aye	Habedank	- Aye
8	Bugbee	- Aye	Hanson, R. S.	- Aye
9	Burkhardt	- Aye	Hanson, R.	- Aye
10	Cain	- Aye	Harbaugh	- Aye
11	Campbell	- Aye	Harlow	- Aye
12	Cate	- Aye	Harper	- Aye
13	Champoux	- Aye	Harrington	- Aye
14	Choate	- Aye	Heliker	- Aye
15	Conover	- Aye	Holland	- Abs
16	Cross	- Aye	Jacobsen	- Aye
17	Dahood	- Aye	James	- Aye
18	Davis	- Aye	Johnson	- Aye
19	Delaney	- Abs	Joyce	- Aye
20	Driscoll	- Aye	Kamhoot	- Aye
21	Drum	- Aye	Kelleher	- Aye
22	Eck	- Aye	Leuthold	- Aye
23	Erdmann	- Aye	Loendorf	- Aye
24	Eskildsen	- Aye	Lorello	- Aye
25	Etchart	- Aye	Mahoney	- Aye

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Mansfield	- Aye		Rygg	- Aye
Martin	- Aye		Scanlin	- Aye
McCarvel	- Aye		Schiltz	- Aye
McDonough	- Aye		Siderius	- Aye
McKeon	- Aye		Simon	- Aye
McNeil	- Aye		Skari	- Aye
Melvin	- Aye		Sparks	- Aye
Monroe	- Aye		Speer	- Aye
Murray	- Aye		Studer	- Aye
Noble	- Aye		Sullivan	- Aye
Nutting	- Aye		Swanberg	- Aye
Payne	- Aye		Toole	- Aye
Pemberton	- Abs		Van Buskirk	- Aye
Rebal	- Aye		Vermillion	- Aye
Reichert	- Aye		Wagner	- Aye
Robinson	- Aye		Ward	- Aye
Roeder	- Aye		Warden	- Aye
Rollins	- Aye		Wilson	- Aye
Romney	- Aye		Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-six Delegates voting Aye, and no Delegates voting No.

PRESIDENT GRAYBILL: Very well, section five is adopted. Section six.

CLERK HANSON: (Reading) Section six, Freedom of Assembly. (End reading)

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Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section six, Freedom of Assembly, vote Aye; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Bowman	- Aye
Anderson, J.	- Aye	Brazier	- Aye
Anderson, O.	- Aye	Brown	- Aye
Arbanas	- Aye	Bugbee	- Aye
Arness	- Aye	Burkhardt	- Aye
Aronow	- Aye	Cain	- Aye
Artz	- Aye	Campbell	- Aye
Ask	- Aye	Cate	- Aye
Babcock	- Aye	Champoux	- Aye
Barnard	- Aye	Choate	- Aye
Bates	- Aye	Conover	- Aye
Belcher	- Aye	Cross	- Aye
Berg	- Aye	Dahood	- Aye
Berthelson	- Aye	Davis	- Aye
Blaylock	- Aye	Delaney	- Abs
Blend	- Aye	Driscoll	- Aye

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1	Drum	- Aye	Kelleher	- Aye
2	Eck	- Aye	Leuthold	- Aye
3	Erdmann	- Aye	Loendorf	- Aye
4	Eskildsen	- Aye	Lorello	- Aye
5	Etchart	- Aye	Mahoney	- Aye
6	Felt	- Abs	Mansfield	- Abs
7	Foster	- Aye	Martin	- Aye
8	Furlong	- Aye	McCarvel	- Aye
9	Garlington	- Aye	McDonough	- Aye
10	Graybill	- Aye	McKeon	- Aye
11	Gysler	- Aye	McNeil	- Aye
12	Habedank	- Aye	Melvin	- Aye
13	Hanson, R. S.	- Aye	Monroe	- Aye
14	Hanson, R.	- Aye	Murray	- Aye
15	Harbaugh	- Aye	Noble	- Aye
16	Harlow	- Aye	Nutting	- Aye
17	Harper	- Aye	Payne	- Aye
18	Harrington	- Aye	Pemberton	- Abs
19	Heliker	- Aye	Rebal	- Aye
20	Holland	- Abs	Reichert	- Aye
21	Jacobsen	- Aye	Robinson	- Aye
22	James	- Aye	Roeder	- Aye
23	Johnson	- Aye	Rollins	- Aye
24	Joyce	- Aye	Romney	- Aye
25	Kamhoot	- Aye	Rygg	- Aye

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Scanlin	- Aye	Swanberg	- Aye
Schiltz	- Aye	Toole	- Aye
Siderius	- Aye	Van Buskirk	- Aye
Simon	- Aye	Vermillion	- Aye
Skari	- Aye	Wagner	- Aye
Sparks	- Aye	Ward	- Aye
Speer	- Aye	Warden	- Aye
Studer	- Aye	Wilson	- Aye
Sullivan	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-five Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Very well, section six is adopted. Section seven.

CLERK HANSON: (Reading) Section seven, Freedom of Speech, Expression, and Press. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section seven, vote Aye; and opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Mrs. Babcock?

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DELEGATE BABCOCK: Babcock votes Aye.

PRESIDENT GRAYBILL: Babcock votes Aye.

Aasheim	- Aye	Cate	- Aye
Anderson, J.	- Aye	Champoux	- Aye
Anderson, O.	- Aye	Choate	- Aye
Arbanas	- Aye	Conover	- Aye
Arness	- Aye	Cross	- Aye
Aronow	- Aye	Dahood	- Aye
Artz	- Aye	Davis	- Aye
Ask	- Aye	Delaney	- Abs
Babcock	- Aye	Driscoll	- Aye
Barnard	- Aye	Drum	- Aye
Bates	- Aye	Eck	- Aye
Belcher	- Aye	Erdmann	- Aye
Berg	- Aye	Eskildsen	- Aye
Berthelson	- Aye	Etchart	- Aye
Blaylock	- Aye	Felt	- Abs
Blend	- Aye	Foster	- Aye
Bowman	- Aye	Furlong	- Aye
Brazier	- Aye	Garlington	- Aye
Brown	- Aye	Graybill	- Aye
Bugbee	- Aye	Gysler	- Aye
Burkhardt	- Aye	Habedank	- Aye
Cain	- Aye	Hanson, R. S.	- Aye
Campbell	- Aye	Hanson, R.	- Aye

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1	Harbaugh	- Aye	Noble	- Aye
2	Harlow	- Aye	Nutting	- Aye
3	Harper	- Aye	Payne	- Aye
4	Harrington	- Aye	Pemberton	- Abs
5	Heliker	- Abs	Rebal	- Aye
6	Holland	- Aye	Reichert	- Aye
7	Jacobsen	- Aye	Robinson	- Abs
8	James	- Aye	Roeder	- Aye
9	Johnson	- Aye	Rollins	- Aye
10	Joyce	- Aye	Romney	- Aye
11	Kamhoot	- Aye	Rygg	- Nay
12	Kelleher	- Aye	Scanlin	- Aye
13	Leuthold	- Aye	Schiltz	- Aye
14	Loendorf	- Aye	Siderius	- Aye
15	Lorello	- Aye	Simon	- Aye
16	Mahoney	- Aye	Skari	- Aye
17	Mansfield	- Aye	Sparks	- Aye
18	Martin	- Aye	Speer	- Aye
19	McCarvel	- Aye	Studer	- Aye
20	McDonough	- Aye	Sullivan	- Aye
21	McKeon	- Aye	Swanberg	- Aye
22	McNeil	- Aye	Toole	- Aye
23	Melvin	- Aye	Van Buskirk	- Aye
24	Monroe	- Aye	Vermillion	- Aye
25	Murray	- Aye	Wagner	- Aye

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Ward	- Aye	Wilson	- Abs
Warden	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, Babcock voting Aye, ninety-three Delegates voting Aye; one voting No.

PRESIDENT GRAYBILL: Very well, section seven is adopted. Section eight.

CLERK HANSON: (Reading) Section eight, Right of Participation. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section eight, vote Aye; and so many as shall be opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, take the ballot. Mr. McCarvel -- McCarvel votes Aye.

Aasheim	- Aye	Ask	- Aye
Anderson, J.	- Aye	Babcock	- Aye
Anderson, O.	- Aye	Barnard	- Aye
Arbanas	- Aye	Bates	- Abs
Arness	- Aye	Belcher	- Aye
Aronow	- Aye	Berg	- Aye
Artz	- Aye	Berthelson	- Aye

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1	Blaylock	- Aye	Furlong	- Aye
2	Blend	- Aye	Garlington	- Aye
3	Bowman	- Nay	Graybill	- Aye
4	Brazier	- Nay	Gysler	- Nay
5	Brown	- Nay	Habedank	- Nay
6	Bugbee	- Aye	Hanson, R. S.	- Aye
7	Burkhardt	- Aye	Hanson, R.	- Aye
8	Cain	- Aye	Harbaugh	- Aye
9	Campbell	- Aye	Harlow	- Aye
10	Cate	- Nay	Harper	- Aye
11	Champoux	- Aye	Harrington	- Aye
12	Choate	- Aye	Heliker	- Aye
13	Conover	- Aye	Holland	- Aye
14	Cross	- Aye	Jacobsen	- Aye
15	Dahood	- Aye	James	- Aye
16	Davis	- Nay	Johnson	- Nay
17	Delaney	- Abs	Joyce	- Nay
18	Driscoll	- Aye	Kamhoot	- Nay
19	Drum	- Aye	Kelleher	- Aye
20	Eck	- Aye	Leuthold	- Aye
21	Erdmann	- Aye	Loendorf	- Aye
22	Eskildsen	- Aye	Lorello	- Aye
23	Etchart	- Aye	Mahoney	- Nay
24	Felt	- Abs	Mansfield	- Aye
25	Foster	- Aye	Martin	- Aye

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McCarvel	- Aye		Scanlin	- Aye
McDonough	- Aye		Schiltz	- Aye
McKeon	- Aye		Siderius	- Aye
McNeil	- Aye		Simon	- Aye
Melvin	- Aye		Skari	- Aye
Monroe	- Aye		Sparks	- Aye
Murray	- Aye		Speer	- Aye
Noble	- Aye		Studer	- Nay
Nutting	- Aye		Sullivan	- Aye
Payne	- Aye		Swanberg	- Nay
Pemberton	- Abs		Toole	- Nay
Rebal	- Aye		Van Buskirk	- Aye
Reichert	- Aye		Vermillion	- Aye
Robinson	- Aye		Wagner	- Aye
Roeder	- Nay		Ward	- Nay
Rollins	- Nay		Warden	- Aye
Romney	- Aye		Wilson	- Nay
Rygg	- Nay		Woodmansey	- Aye

CLERK HANSON: Mr. President, seventy-six Delegates voting Aye, nineteen voting No.

PRESIDENT GRAYBILL: Mrs. Speer.

DELEGATE SPEER: I punched the button, but it did not record. I vote Aye.

PRESIDENT GRAYBILL: Speer votes Aye; make it seventy-seven to nineteen.

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CLERK HANSON: Seventy-seven voting Aye, nineteen voting No.

PRESIDENT GRAYBILL: Very well, section eight is adopted. Section nine.

CLERK HANSON: (Reading) Section nine, Right to Know. (End reading)

Mr. President.

PRESIDENT GRAYBILL: As many as shall be in favor of section nine, vote Aye; as many as are opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, take the ballot.

Aasheim	- Nay	Bates	- Aye
Anderson, J.	- Nay	Belcher	- Aye
Anderson, O.	- Aye	Berg	- Aye
Arbanas	- Aye	Berthelson	- Aye
Arness	- Aye	Blaylock	- Aye
Aronow	- Aye	Blend	- Aye
Artz	- Aye	Bowman	- Aye
Ask	- Nay	Brazier	- Nay
Babcock	- Nay	Brown	- Aye
Barnard	- Aye	Bugbee	- Aye

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1	Burkhardt	- Aye	Hanson, R.	- Aye
2	Cain	- Aye	Harbaugh	- Aye
3	Campbell	- Aye	Harlow	- Aye
4	Cate	- Aye	Harper	- Aye
5	Champoux	- Aye	Harrington	- Aye
6	Choate	- Aye	Heliker	- Aye
7	Conover	- Aye	Holland	- Nay
8	Cross	- Aye	Jacobsen	- Aye
9	Dahood	- Aye	James	- Aye
10	Davis	- Nay	Johnson	- Nay
11	Delaney	- Abs	Joyce	- Nay
12	Driscoll	- Nay	Kamhoot	- Nay
13	Drum	- Aye	Kelleher	- Aye
14	Eck	- Aye	Leuthold	- Aye
15	Erdmann	- Aye	Loendorf	- Aye
16	Eskildsen	- Aye	Lorello	- Aye
17	Etchart	- Aye	Mahoney	- Nay
18	Felt	- Abs	Mansfield	- Aye
19	Foster	- Aye	Martin	- Nay
20	Furlong	- Aye	McCarvel	- Aye
21	Garlington	- Aye	McDonough	- Aye
22	Graybill	- Aye	McKeon	- Aye
23	Gysler	- Nay	McNeil	- Aye
24	Habedank	- Nay	Melvin	- Nay
25	Hanson, R. S.	- Aye	Monroe	- Aye

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Murray	- Aye	Simon	- Nay
Noble	- Aye	Skari	- Aye
Nutting	- Aye	Sparks	- Aye
Payne	- Aye	Speer	- Aye
Pemberton	- Abs	Studer	- Nay
Rebal	- Aye	Sullivan	- Aye
Reichert	- Aye	Swanberg	- Aye
Robinson	- Aye	Toole	- Aye
Roeder	- Aye	Van Buskirk	- Aye
Rollins	- Aye	Vermillion	- Aye
Romney	- Aye	Wagner	- Nay
Rygg	- Aye	Ward	- Nay
Scanlin	- Nay	Warden	- Nay
Schiltz	- Aye	Wilson	- Nay
Siderius	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, seventy-four Delegates voting Aye, twenty-three voting No.

PRESIDENT GRAYBILL: Very well, section nine is adopted. Section ten.

CLERK HANSON: (Reading) Section ten, Right of Privacy. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section ten, vote Aye on the voting machines; those opposed, No. Has every Delegate voted?

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(No response)

PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Burkhardt	- Aye
Anderson, J.	- Aye	Cain	- Aye
Anderson, O.	- Aye	Campbell	- Aye
Arbanas	- Aye	Cate	- Aye
Arness	- Aye	Champoux	- Aye
Aronow	- Aye	Choate	- Aye
Artz	- Aye	Conover	- Aye
Ask	- Aye	Cross	- Aye
Babcock	- Aye	Dahood	- Aye
Barnard	- Aye	Davis	- Aye
Bates	- Aye	Delaney	- Abs
Belcher	- Aye	Driscoll	- Aye
Berg	- Aye	Drum	- Aye
Berthelson	- Aye	Eck	- Aye
Blaylock	- Aye	Erdmann	- Aye
Blend	- Aye	Eskildsen	- Aye
Bowman	- Aye	Etchart	- Aye
Brazier	- Aye	Felt	- Abs
Brown	- Aye	Foster	- Aye
Bugbee	- Aye	Furlong	- Aye

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1	Garlington	- Aye	McDonough	- Aye
2	Graybill	- Aye	McKeon	- Aye
3	Gysler	- Nay	McNeil	- Aye
4	Habedank	- Aye	Melvin	- Aye
5	Hanson, R. S.	- Aye	Monroe	- Aye
6	Hanson, R.	- Aye	Murray	- Aye
7	Harbaugh	- Aye	Noble	- Aye
8	Harlow	- Aye	Nutting	- Aye
9	Harper	- Aye	Payne	- Aye
10	Harrington	- Aye	Pemberton	- Abs
11	Heliker	- Aye	Rebal	- Aye
12	Holland	- Aye	Reichert	- Aye
13	Jacobsen	- Aye	Robinson	- Aye
14	James	- Aye	Roeder	- Aye
15	Johnson	- Nay	Rollins	- Aye
16	Joyce	- Aye	Romney	- Aye
17	Kamhoot	- Aye	Rygg	- Aye
18	Kelleher	- Aye	Scanlin	- Aye
19	Leuthold	- Aye	Schiltz	- Aye
20	Loendorf	- Aye	Siderius	- Aye
21	Lorello	- Aye	Simon	- Aye
22	Mahoney	- Aye	Skari	- Aye
23	Mansfield	- Aye	Sparks	- Aye
24	Martin	- Aye	Speer	- Aye
25	McCarvel	- Aye	Studer	- Aye

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Sullivan	- Aye	Wagner	- Aye
Swanberg	- Aye	Ward	- Aye
Toole	- Aye	Warden	- Aye
Van Buskirk	- Aye	Wilson	- Nay
Vermillion	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-four Delegates voting Aye, three voting No.

PRESIDENT GRAYBILL: Very well, section ten is adopted. Section eleven.

CLERK HANSON: (Reading) Section eleven, Searches and Seizures. (End reading)

Mr. Chairman.

PRESIDENT GRAYBILL: So many as shall be in favor of section eleven, vote Aye; and opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Aronow	- Aye
Anderson, J.	- Aye	Artz	- Aye
Anderson, O.	- Aye	Ask	- Aye
Arbanas	- Aye	Babcock	- Aye
Arness	- Aye	Barnard	- Aye

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1	Bates	- Aye	Eskildsen	- Aye
2	Betcher	- Aye	Etchart	- Aye
3	Berg	- Aye	Felt	- Abs
4	Berthelson	- Aye	Foster	- Aye
5	Blaylock	- Aye	Furlong	- Aye
6	Blend	- Aye	Garlington	- Aye
7	Bowman	- Aye	Graybill	- Aye
8	Brazier	- Aye	Gysler	- Aye
9	Brown	- Aye	Habedank	- Aye
10	Bugbee	- Aye	Hanson, R. S.	- Aye
11	Burkhardt	- Aye	Hanson, R.	- Aye
12	Cain	- Aye	Harbaugh	- Aye
13	Campbell	- Aye	Harlow	- Aye
14	Cate	- Abs	Harper	- Aye
15	Champoux	- Aye	Harrington	- Aye
16	Choate	- Aye	Heliker	- Aye
17	Conover	- Aye	Holland	- Aye
18	Cross	- Aye	Jacobsen	- Aye
19	Dahood	- Aye	James	- Aye
20	Davis	- Aye	Johnson	- Aye
21	Delaney	- Abs	Joyce	- Aye
22	Driscoll	- Aye	Kamhoot	- Nay
23	Drum	- Aye	Kelleher	- Aye
24	Eck	- Aye	Leuthold	- Aye
25	Erdmann	- Aye	Loendorf	- Aye

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Lorello	- Aye		Romney	- Aye
Mahoney	- Aye		Rygg	- Aye
Mansfield	- Aye		Scanlin	- Aye
Martin	- Aye		Schiltz	- Aye
McCarvel	- Aye		Siderius	- Aye
McDonough	- Aye		Simon	- Aye
McKeon	- Aye		Skari	- Aye
McNeil	- Aye		Sparks	- Aye
Melvin	- Aye		Speer	- Aye
Monroe	- Aye		Studer	- Aye
Murray	- Aye		Sullivan	- Aye
Noble	- Aye		Swanberg	- Aye
Nutting	- Aye		Toole	- Aye
Payne	- Aye		Van Buskirk	- Aye
Pemberton	- Abs		Vermillion	- Aye
Rebal	- Aye		Wagner	- Aye
Reichert	- Aye		Ward	- Aye
Robinson	- Nay		Warden	- Aye
Roeder	- Aye		Wilson	- Aye
Rollins	- Aye		Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-three Delegates voting Aye, two voting No.

PRESIDENT GRAYBILL: Very well, section eleven is adopted. Section --

Mr. Kelleher.

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DELEGATE KELLEHER: I want it to show I voted Aye on that.

PRESIDENT GRAYBILL: Mr. Kelleher wants to be shown as Aye on section eleven; ninety-four to two. All right. Section twelve.

CLERK HANSON: (Reading) Section twelve, Right to Bear Arms. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section twelve, vote Aye on the voting machines; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Barnard	- Aye
Anderson, J.	- Aye	Bates	- Aye
Anderson, O.	- Aye	Belcher	- Aye
Arbanas	- Aye	Berg	- Aye
Arness	- Aye	Berthelson	- Nay
Aronow	- Aye	Blaylock	- Aye
Artz	- Aye	Blend	- Aye
Ask	- Aye	Bowman	- Aye
Babcock	- Aye	Brazier	- Aye

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Brown	- Aye		Habedank	- Nay
Bugbee	- Aye		Hanson, R. S.	- Aye
Burkhardt	- Aye		Hanson, R.	- Aye
Cain	- Aye		Harbaugh	- Aye
Campbell	- Aye		Harlow	- Aye
Cate	- Aye		Harper	- Aye
Champoux	- Aye		Harrington	- Abs
Choate	- Aye		Heliker	- Aye
Conover	- Aye		Holland	- Nay
Cross	- Aye		Jacobsen	- Aye
Dahood	- Aye		James	- Aye
Davis	- Aye		Johnson	- Aye
Delaney	- Abs		Joyce	- Aye
Driscoll	- Aye		Kamhoot	- Aye
Drum	- Aye		Kelleher	- Nay
Eck	- Aye		Leuthold	- Aye
Erdmann	- Nay		Loendorf	- Aye
Eskildsen	- Aye		Lorello	- Nay
Etchart	- Aye		Mahoney	- Nay
Felt	- Abs		Mansfield	- Aye
Foster	- Aye		Martin	- Aye
Furlong	- Aye		McCarvel	- Aye
Garlington	- Aye		McDonough	- Aye
Graybill	- Aye		McKeon	- Aye
Gysler	- Aye		McNeil	- Aye

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Melvin	- Aye		Siderius	- Aye
Monroe	- Aye		Simon	- Aye
Murray	- Aye		Skari	- Aye
Noble	- Aye		Sparks	- Aye
Nutting	- Aye		Speer	- Aye
Payne	- Aye		Studer	- Aye
Pemberton	- Abs		Sullivan	- Aye
Rebal	- Aye		Swanberg	- Aye
Reichert	- Aye		Toole	- Aye
Robinson	- Aye		Van Buskirk	- Aye
Roeder	- Aye		Vermillion	- Aye
Rollins	- Aye		Wagner	- Aye
Romney	- Aye		Ward	- Nay
Rygg	- Aye		Warden	- Nay
Scanlin	- Aye		Wilson	- Aye
Schiltz	- Aye		Woodmansey	- Aye

CLERK HANSON: Mr. President, eighty-seven Delegates voting Aye, nine voting No.

PRESIDENT GRAYBILL: Very well, section twelve is adopted. Section thirteen.

CLERK HANSON: (Reading) Section thirteen, Right of Suffrage. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section thirteen, vote Aye; and opposed, vote No on the

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voting machines. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, take the ballot.

Aasheim	- Abs	Bugbee	- Aye
Anderson, J.	- Aye	Burkhardt	- Aye
Anderson, O.	- Aye	Cain	- Aye
Arbanas	- Aye	Campbell	- Aye
Arness	- Aye	Cate	- Aye
Aronow	- Aye	Champoux	- Aye
Artz	- Aye	Choate	- Aye
Ask	- Aye	Conover	- Aye
Babcock	- Aye	Cross	- Aye
Barnard	- Aye	Dahood	- Aye
Bates	- Aye	Davis	- Aye
Belcher	- Aye	Delaney	- Abs
Berg	- Aye	Driscoll	- Aye
Berthelson	- Aye	Drum	- Aye
Blaylock	- Aye	Eck	- Aye
Blend	- Aye	Erdmann	- Aye
Bowman	- Aye	Eskildsen	- Aye
Brazier	- Aye	Etchart	- Aye
Brown	- Aye	Felt	- Abs

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1	Foster	- Aye	Martin	- Aye
2	Furlong	- Aye	McCarvel	- Aye
3	Garlington	- Aye	McDonough	- Aye
4	Graybill	- Aye	McKeon	- Aye
5	Gysler	- Aye	McNeil	- Aye
6	Habedank	- Aye	Melvin	- Aye
7	Hanson, R. S.	- Aye	Monroe	- Aye
8	Hanson, R.	- Aye	Murray	- Aye
9	Harbaugh	- Aye	Noble	- Aye
10	Harlow	- Aye	Nutting	- Aye
11	Harper	- Aye	Payne	- Aye
12	Harrington	- Abs	Pemberton	- Abs
13	Heliker	- Aye	Rebal	- Aye
14	Holland	- Aye	Reichert	- Aye
15	Jacobsen	- Aye	Robinson	- Aye
16	James	- Aye	Roeder	- Aye
17	Johnson	- Aye	Rollins	- Aye
18	Joyce	- Aye	Romney	- Aye
19	Kamhoot	- Aye	Rygg	- Aye
20	Kelleher	- Aye	Scanlin	- Aye
21	Leuthold	- Aye	Schiltz	- Aye
22	Loendorf	- Aye	Siderius	- Aye
23	Lorello	- Aye	Simon	- Aye
24	Mahoney	- Aye	Skari	- Aye
25	Mansfield	- Aye	Sparks	- Aye

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Speer	- Aye	Vermillion	- Aye
Studer	- Aye	Wagner	- Aye
Sullivan	- Aye	Ward	- Aye
Swanberg	- Aye	Warden	- Aye
Toole	- Aye	Wilson	- Aye
Van Buskirk	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-five Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Very well, section thirteen is adopted. Section fourteen.

CLERK HANSON: (Reading) Section fourteen, Adult Rights. (End reading)

Mr. President.

PRESIDENT GRAYBILL: All in favor of section fourteen, vote Aye on the voting machines; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Mrs. Pemberton, the journal may show your presence.

Aasheim	- Aye	Arbanas	- Aye
Anderson, J.	- Nay	Arness	- Aye
Anderson, O.	- Aye	Aronow	- Aye

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1	Artz	- Aye	Driscoll	- Aye
2	Ask	- Aye	Drum	- Aye
3	Babcock	- Aye	Eck	- Aye
4	Barnard	- Aye	Erdmann	- Aye
5	Bates	- Aye	Eskildsen	- Aye
6	Belcher	- Aye	Etchart	- Aye
7	Berg	- Aye	Felt	- Abs
8	Berthelson	- Aye	Foster	- Aye
9	Blaylock	- Aye	Furlong	- Aye
10	Blend	- Aye	Garlington	- Aye
11	Bowman	- Aye	Graybill	- Aye
12	Brazier	- Nay	Gysler	- Nay
13	Brown	- Aye	Habedank	- Aye
14	Bugbee	- Aye	Hanson, R. S.	- Aye
15	Burkhardt	- Aye	Hanson, R.	- Aye
16	Cain	- Aye	Harbaugh	- Aye
17	Campbell	- Aye	Harlow	- Aye
18	Cate	- Aye	Harper	- Aye
19	Champoux	- Aye	Harrington	- Abs
20	Choate	- Aye	Heliker	- Aye
21	Conover	- Aye	Holland	- Nay
22	Cross	- Aye	Jacobsen	- Nay
23	Dahood	- Aye	James	- Aye
24	Davis	- Aye	Johnson	- Nay
25	Delaney	- Abs	Joyce	- Aye

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Kamhoot	- Nay		Roeder	- Aye
Kelleher	- Aye		Rollins	- Aye
Leuthold	- Aye		Romney	- Aye
Loendorf	- Aye		Rygg	- Aye
Lorello	- Aye		Scanlin	- Aye
Mahoney	- Aye		Schiltz	- Aye
Mansfield	- Aye		Siderius	- Aye
Martin	- Aye		Simon	- Aye
McCarvel	- Aye		Skari	- Aye
McDonough	- Aye		Sparks	- Aye
McKeon	- Aye		Speer	- Aye
McNeil	- Aye		Studer	- Nay
Melvin	- Aye		Sullivan	- Aye
Monroe	- Aye		Swanberg	- Nay
Murray	- Aye		Toole	- Aye
Noble	- Aye		Van Buskirk	- Aye
Nutting	- Aye		Vermillion	- Aye
Payne	- Aye		Wagner	- Aye
Pemberton	- Abs		Ward	- Aye
Rebal	- Aye		Warden	- Abs
Reichert	- Aye		Wilson	- Nay
Robinson	- Aye		Woodmansey	- Aye

CLERK HANSON: Mr. President, eighty-five Delegates voting Aye, ten voting No.

PRESIDENT GRAYBILL: Very well, section fourteen's

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adopted. Section fifteen.

CLERK HANSON: (Reading) Section fifteen, Rights of Persons Not Adults. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section fifteen, vote Aye; opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Please cast the ballot.

Aasheim	- Nay	Berthelson	- Aye
Anderson, J.	- Nay	Blaylock	- Aye
Anderson, O.	- Aye	Blend	- Aye
Arbanas	- Aye	Bowman	- Nay
Arness	- Aye	Brazier	- Nay
Aronow	- Aye	Brown	- Nay
Artz	- Aye	Bugbee	- Aye
Ask	- Aye	Burkhardt	- Aye
Babcock	- Nay	Cain	- Aye
Barnard	- Aye	Campbell	- Aye
Bates	- Aye	Cate	- Aye
Belcher	- Aye	Champoux	- Aye
Berg	- Aye	Choate	- Aye

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1	Conover	- Aye	Holland	- Nay
2	Cross	- Aye	Jacobsen	- Aye
3	Dahood	- Aye	James	- Aye
4	Davis	- Aye	Johnson	- Aye
5	Delaney	- Abs	Joyce	- Aye
6	Driscoll	- Aye	Kamhoot	- Nay
7	Drum	- Aye	Kelleher	- Aye
8	Eck	- Aye	Leuthold	- Aye
9	Erdmann	- Aye	Loendorf	- Aye
10	Eskildsen	- Aye	Lorello	- Aye
11	Etchart	- Aye	Mahoney	- Aye
12	Felt	- Abs	Mansfield	- Aye
13	Foster	- Aye	Martin	- Aye
14	Furlong	- Aye	McCarvel	- Aye
15	Garlington	- Aye	McDonough	- Aye
16	Graybill	- Aye	McKeon	- Aye
17	Gysler	- Nay	McNeil	- Aye
18	Habedank	- Aye	Melvin	- Aye
19	Hanson, R. S.	- Aye	Monroe	- Aye
20	Hanson, R.	- Aye	Murray	- Aye
21	Harbaugh	- Aye	Noble	- Aye
22	Harlow	- Aye	Nutting	- Aye
23	Harper	- Aye	Payne	- Aye
24	Harrington	- Abs	Pemberton	- Aye
25	Heliker	- Aye	Rebal	- Aye

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Reichert	- Aye	Speer	- Aye
Robinson	- Aye	Studer	- Nay
Roeder	- Aye	Sullivan	- Aye
Rollins	- Aye	Swanberg	- Nay
Romney	- Aye	Toole	- Aye
Rygg	- Abs	Van Buskirk	- Aye
Scanlin	- Aye	Vermillion	- Aye
Schiltz	- Aye	Wagner	- Aye
Siderius	- Aye	Ward	- Nay
Simon	- Aye	Warden	- Aye
Skari	- Aye	Wilson	- Nay
Sparks	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, eighty-three Delegates voting Aye, thirteen voting No.

PRESIDENT GRAYBILL: Very well, section fifteen is adopted. Section sixteen.

CLERK HANSON: (Reading) Section sixteen, The Administration of Justice. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section sixteen, vote Aye; so many as shall be opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

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(No response)

PRESIDENT GRAYBILL: Very well, take the ballot.

Aasheim	- Aye	Cate	- Aye
Anderson, J.	- Aye	Champoux	- Aye
Anderson, O.	- Nay	Choate	- Aye
Arbanas	- Aye	Conover	- Nay
Arness	- Nay	Cross	- Aye
Aronow	- Aye	Dahood	- Aye
Artz	- Aye	Davis	- Aye
Ask	- Aye	Delaney	- Abs
Babcock	- Aye	Driscoll	- Aye
Barnard	- Aye	Drum	- Aye
Bates	- Aye	Eck	- Aye
Belcher	- Aye	Erdmann	- Nay
Berg	- Nay	Eskildsen	- Nay
Berthelson	- Nay	Etchart	- Aye
Blaylock	- Aye	Felt	- Abs
Blend	- Aye	Foster	- Aye
Bowman	- Nay	Furlong	- Aye
Brazier	- Nay	Garlington	- Aye
Brown	- Aye	Graybill	- Aye
Bugbee	- Aye	Gysler	- Nay
Burkhardt	- Aye	Habedank	- Nay
Cain	- Aye	Hanson, R. S.	- Aye
Campbell	- Aye	Hanson, R.	- Aye

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1	Harbaugh	- Aye	Noble	- Aye
2	Harlow	- Aye	Nutting	- Nay
3	Harper	- Aye	Payne	- Aye
4	Harrington	- Abs	Pemberton	- Aye
5	Heliker	- Aye	Rebal	- Nay
6	Holland	- Aye	Reichert	- Aye
7	Jacobsen	- Aye	Robinson	- Aye
8	James	- Aye	Roeder	- Aye
9	Johnson	- Nay	Rollins	- Aye
10	Joyce	- Aye	Romney	- Aye
11	Kamhoot	- Nay	Rygg	- Nay
12	Kelleher	- Aye	Scanlin	- Aye
13	Leuthold	- Aye	Schiltz	- Aye
14	Loendorf	- Aye	Siderius	- Aye
15	Lorello	- Aye	Simon	- Aye
16	Mahoney	- Aye	Skari	- Aye
17	Mansfield	- Aye	Sparks	- Aye
18	Martin	- Aye	Speer	- Aye
19	McCarvel	- Aye	Studer	- Nay
20	McDonough	- Aye	Sullivan	- Aye
21	McKeon	- Aye	Swanberg	- Aye
22	McNeil	- Aye	Toole	- Aye
23	Melvin	- Nay	Van Buskirk	- Aye
24	Monroe	- Aye	Vermillion	- Aye
25	Murray	- Aye	Wagner	- Aye

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Ward	- Nay	Wilson	- Nay
Warden	- Aye	Woodmansey	- Nay

CLERK HANSON: Mr. President, seventy-six Delegates voting Aye, twenty-one voting No.

PRESIDENT GRAYBILL: Very well, section sixteen is adopted. Section seventeen.

CLERK HANSON: (Reading) Section seventeen, Due Process of Law. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section seventeen, vote Aye; so many as shall be opposed, vote No. Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, take the ballot.

Aasheim	- Aye	Belcher	- Aye
Anderson, J.	- Aye	Berg	- Aye
Anderson, O.	- Aye	Berthelson	- Aye
Arbanas	- Aye	Blaylock	- Aye
Arness	- Aye	Blend	- Aye
Aronow	- Aye	Bowman	- Aye
Artz	- Aye	Brazier	- Aye
Ask	- Aye	Brown	- Aye
Babcock	- Aye	Bugbee	- Aye
Barnard	- Aye	Burkhardt	- Aye
Bates	- Aye	Cain	- Aye

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1	Campbell	- Aye	Harlow	- Aye
2	Cate	- Aye	Harper	- Aye
3	Champoux	- Aye	Harrington	- Aye
4	Choate	- Aye	Heliker	- Aye
5	Conover	- Aye	Holland	- Aye
6	Cross	- Aye	Jacobsen	- Aye
7	Dahood	- Aye	James	- Aye
8	Davis	- Aye	Johnson	- Aye
9	Delaney	- Abs	Joyce	- Aye
10	Driscoll	- Aye	Kamhoot	- Aye
11	Drum	- Aye	Kelleher	- Aye
12	Eck	- Aye	Leuthold	- Aye
13	Erdmann	- Aye	Loendorf	- Aye
14	Eskildsen	- Aye	Lorello	- Aye
15	Etchart	- Aye	Mahoney	- Aye
16	Felt	- Abs	Mansfield	- Aye
17	Foster	- Aye	Martin	- Aye
18	Furlong	- Aye	McCarvel	- Aye
19	Garlington	- Aye	McDonough	- Aye
20	Graybill	- Aye	McKeon	- Aye
21	Gysler	- Aye	McNeil	- Aye
22	Habedank	- Aye	Melvin	- Aye
23	Hanson, R. S.	- Aye	Monroe	- Aye
24	Hanson, R.	- Aye	Murray	- Aye
25	Harbaugh	- Aye	Noble	- Aye

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Nutting	- Aye	Skari	- Aye
Payne	- Aye	Sparks	- Aye
Pemberton	- Aye	Speer	- Aye
Rebal	- Aye	Studer	- Aye
Reichert	- Aye	Sullivan	- Aye
Robinson	- Aye	Swanberg	- Aye
Roeder	- Aye	Toole	- Aye
Rollins	- Aye	Van Buskirk	- Aye
Romney	- Aye	Vermillion	- Aye
Rygg	- Aye	Wagner	- Aye
Scanlin	- Aye	Ward	- Aye
Schiltz	- Aye	Warden	- Aye
Siderius	- Aye	Wilson	- Aye
Simon	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-eight Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Very well, section seventeen is adopted. Section eighteen.

CLERK HANSON: (Reading) Section eighteen, State Subject to Suit. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section eighteen, vote Aye; opposed, vote No. Has every Delegate voted?

(No response)

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PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Cain	- Aye
Anderson, J.	- Aye	Campbell	- Aye
Anderson, O.	- Aye	Cate	- Aye
Arbanas	- Aye	Champoux	- Aye
Arness	- Aye	Choate	- Aye
Aronow	- Aye	Conover	- Aye
Artz	- Aye	Cross	- Aye
Ask	- Aye	Dahood	- Aye
Babcock	- Aye	Davis	- Aye
Barnard	- Aye	Delaney	- Abs
Bates	- Aye	Driscoll	- Aye
Belcher	- Aye	Drum	- Aye
Berg	- Aye	Eck	- Aye
Berthelson	- Aye	Erdmann	- Aye
Blaylock	- Aye	Eskildsen	- Aye
Blend	- Aye	Etchart	- Aye
Bowman	- Aye	Felt	- Abs
Brazier	- Nay	Foster	- Aye
Brown	- Aye	Furlong	- Abs
Bugbee	- Aye	Garlington	- Aye
Burkhardt	- Aye	Graybill	- Aye

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1	Gysler	- Aye	McNeil	- Aye
2	Habedank	- Aye	Melvin	- Aye
3	Hanson, R. S.	- Aye	Monroe	- Aye
4	Hanson, R.	- Aye	Murray	- Aye
5	Harbaugh	- Aye	Noble	- Aye
6	Harlow	- Aye	Nutting	- Nay
7	Harper	- Aye	Payne	- Aye
8	Harrington	- Aye	Pemberton	- Nay
9	Heliker	- Aye	Rebal	- Aye
10	Holland	- Aye	Reichert	- Aye
11	Jacobsen	- Aye	Robinson	- Aye
12	James	- Aye	Roeder	- Aye
13	Johnson	- Nay	Rollins	- Aye
14	Joyce	- Aye	Romney	- Nay
15	Kamhoot	- Nay	Rygg	- Nay
16	Kelleher	- Aye	Scanlin	- Aye
17	Leuthold	- Nay	Schiltz	- Aye
18	Loendorf	- Aye	Siderius	- Aye
19	Lorello	- Aye	Simon	- Nay
20	Mahoney	- Nay	Skari	- Aye
21	Mansfield	- Aye	Sparks	- Aye
22	Martin	- Aye	Speer	- Aye
23	McCarvel	- Aye	Studer	- Nay
24	McDonough	- Aye	Sullivan	- Aye
25	McKeon	- Aye	Swanberg	- Aye

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Toole	- Aye	Ward	- Nay
Van Buskirk	- Aye	Warden	- Aye
Vermillion	- Aye	Wilson	- Nay
Wagner	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, eighty-four Delegates voting Aye, thirteen voting No.

PRESIDENT GRAYBILL: Very well, section eighteen is passed. Section nineteen.

CLERK HANSON: (Reading) Section nineteen, Habeas Corpus. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section nineteen, vote Aye; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Artz	- Aye
Anderson, J.	- Aye	Ask	- Aye
Anderson, O.	- Aye	Babcock	- Aye
Arbanas	- Aye	Barnard	- Aye
Arness	- Aye	Bates	- Aye
Aronow	- Aye	Belcher	- Aye

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1	Berg	- Aye	Felt	- Abs
2	Berthelson	- Aye	Foster	- Aye
3	Blaylock	- Aye	Furlong	- Aye
4	Blend	- Aye	Garlington	- Aye
5	Bowman	- Aye	Graybill	- Abs
6	Brazier	- Aye	Gysler	- Aye
7	Brown	- Aye	Habedank	- Aye
8	Bugbee	- Aye	Hanson, R. S.	- Aye
9	Burkhardt	- Aye	Hanson, R.	- Aye
10	Cain	- Aye	Harbaugh	- Aye
11	Campbell	- Aye	Harlow	- Aye
12	Cate	- Aye	Harper	- Aye
13	Champoux	- Aye	Harrington	- Aye
14	Choate	- Aye	Heliker	- Aye
15	Conover	- Aye	Holland	- Aye
16	Cross	- Aye	Jacobsen	- Aye
17	Dahood	- Aye	James	- Aye
18	Davis	- Aye	Johnson	- Aye
19	Delaney	- Abs	Joyce	- Aye
20	Driscoll	- Aye	Kamhoot	- Aye
21	Drum	- Aye	Kelleher	- Aye
22	Eck	- Aye	Leuthold	- Aye
23	Erdmann	- Aye	Loendorf	- Aye
24	Eskildsen	- Aye	Lorello	- Aye
25	Etchart	- Aye	Mahoney	- Aye

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Mansfield	- Aye		Rygg	- Aye
Martin	- Aye		Scanlin	- Aye
McCarbel	- Aye		Schiltz	- Aye
McDonough	- Aye		Siderius	- Aye
McKeon	- Aye		Simon	- Aye
McNeil	- Aye		Skari	- Aye
Melvin	- Aye		Sparks	- Aye
Monroe	- Aye		Speer	- Aye
Murray	- Aye		Studer	- Aye
Noble	- Aye		Sullivan	- Aye
Nutting	- Aye		Swanberg	- Aye
Payne	- Aye		Toole	- Aye
Pemberton	- Aye		Van Buskirk	- Aye
Rebal	- Aye		Vermillion	- Aye
Reichert	- Aye		Wagner	- Aye
Robinson	- Aye		Ward	- Aye
Roeder	- Aye		Warden	- Aye
Rollins	- Aye		Wilson	- Aye
Romney	- Aye		Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-seven Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Mr. Johnson.

DELEGATE JOHNSON: Mr. President, I'm absolutely appalled. I didn't see your Yes vote up there for Habeas Corpus.

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PRESIDENT GRAYBILL: I wasn't sure what it meant, Mr. Johnson. (Laughter) Very well, section twenty.

CLERK HANSON: (Reading) Section twenty, Initiation of Proceedings. (End reading)

Mr. Chairman.

PRESIDENT GRAYBILL: So many as shall be in favor of section twenty, vote Aye on the voting machines. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Berg	- Aye
Anderson, J.	- Aye	Berthelson	- Aye
Anderson, O.	- Aye	Blaylock	- Aye
Arbanas	- Aye	Blend	- Aye
Arness	- Aye	Bowman	- Aye
Aronow	- Aye	Brazier	- Aye
Artz	- Aye	Brown	- Aye
Ask	- Aye	Bugbee	- Aye
Babcock	- Aye	Burkhardt	- Aye
Barnard	- Aye	Cain	- Aye
Bates	- Aye	Campbell	- Aye
Belcher	- Aye	Cate	- Aye

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1	Champoux	- Aye	Harrington	- Aye
2	Choate	- Aye	Heliker	- Aye
3	Conover	- Aye	Holland	- Aye
4	Cross	- Aye	Jacobsen	- Aye
5	Dahood	- Aye	James	- Aye
6	Davis	- Aye	Johnson	- Aye
7	Delaney	- Abs	Joyce	- Aye
8	Driscoll	- Aye	Kamhoot	- Aye
9	Drum	- Aye	Kelleher	- Aye
10	Eck	- Aye	Leuthold	- Aye
11	Erdmann	- Aye	Loendorf	- Aye
12	Eskildsen	- Aye	Lorello	- Aye
13	Etchart	- Aye	Mahoney	- Aye
14	Felt	- Abs	Mansfield	- Aye
15	Foster	- Aye	Martin	- Aye
16	Furlong	- Aye	McCarvel	- Aye
17	Garlington	- Aye	McDonough	- Aye
18	Graybill	- Aye	McKeon	- Aye
19	Gysler	- Aye	McNeil	- Aye
20	Habedank	- Aye	Melvin	- Aye
21	Hanson, R. S.	- Aye	Monroe	- Aye
22	Hanson, R.	- Aye	Murray	- Aye
23	Harbaugh	- Aye	Noble	- Aye
24	Harlow	- Aye	Nutting	- Aye
25	Harper	- Aye	Payne	- Aye

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Pemberton	- Aye	Sparks	- Aye
Rebal	- Aye	Speer	- Aye
Reichert	- Aye	Studer	- Aye
Robinson	- Aye	Sullivan	- Aye
Roeder	- Aye	Swanberg	- Aye
Rollins	- Aye	Toole	- Aye
Romney	- Aye	Van Buskirk	- Aye
Rygg	- Aye	Vermillion	- Aye
Scanlin	- Nay	Wagner	- Aye
Schiltz	- Aye	Ward	- Aye
Siderius	- Aye	Warden	- Aye
Simon	- Aye	Wilson	- Aye
Skari	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-seven Delegates voting Aye, one voting No.

PRESIDENT GRAYBILL: Very well, section twenty is adopted. Section twenty-one.

CLERK HANSON: (Reading) Section twenty-one, Bail. (End reading)

Mr. President.

PRESIDENT GRAYBILL: As many as shall be in favor of section twenty-one, vote Aye; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to

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change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Campbell	- Aye
Anderson, J.	- Aye	Cate	- Aye
Anderson, O.	- Aye	Champoux	- Aye
Arbanas	- Aye	Choate	- Aye
Arness	- Aye	Conover	- Aye
Aronow	- Aye	Cross	- Aye
Artz	- Aye	Dahood	- Aye
Ask	- Aye	Davis	- Aye
Babcock	- Aye	Delaney	- Abs
Barnard	- Aye	Driscoll	- Aye
Bates	- Aye	Drum	- Aye
Belcher	- Aye	Eck	- Aye
Berg	- Aye	Erdmann	- Aye
Berthelson	- Aye	Eskildsen	- Aye
Blaylock	- Abs	Etchart	- Aye
Blend	- Aye	Felt	- Abs
Bowman	- Aye	Foster	- Aye
Brazier	- Aye	Furlong	- Aye
Brown	- Aye	Garlington	- Aye
Bugbee	- Aye	Graybill	- Aye
Burkhardt	- Aye	Gysler	- Aye
Cain	- Aye	Habedank	- Aye

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Hanson, R. S.	- Aye	Monroe	- Aye
Hanson, R.	- Aye	Murray	- Aye
Harbaugh	- Aye	Noble	- Aye
Harlow	- Aye	Nutting	- Aye
Harper	- Aye	Payne	- Aye
Harrington	- Aye	Pemberton	- Aye
Heliker	- Aye	Rebal	- Aye
Holland	- Aye	Reichert	- Aye
Jacobsen	- Aye	Robinson	- Aye
James	- Aye	Roeder	- Aye
Johnson	- Aye	Rollins	- Aye
Joyce	- Aye	Romney	- Aye
Kamhoot	- Aye	Rygg	- Aye
Kelleher	- Aye	Scanlin	- Aye
Leuthold	- Aye	Schiltz	- Abs
Loendorf	- Aye	Siderius	- Aye
Lorello	- Aye	Simon	- Aye
Mahoney	- Nay	Skari	- Aye
Mansfield	- Aye	Sparks	- Aye
Martin	- Aye	Speer	- Aye
McCar el	- Aye	Studer	- Aye
McDonough	- Aye	Sullivan	- Aye
McKeon	- Aye	Swanberg	- Aye
McNeil	- Aye	Toole	- Aye
Melvin	- Aye	Van Buskirk	- Aye

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Vermillion	- Aye	Warden	- Aye
Wagner	- Aye	Wilson	- Aye
Ward	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-four Delegates voting Aye, one voting No.

PRESIDENT GRAYBILL: Mr. Studer.

DELEGATE STUDER: I wish to be shown as voting Aye.

PRESIDENT GRAYBILL: Mr. Studer wishes to be recorded as voting Aye, is that right? Aye on twenty-one, make it ninety-five.

CLERK HANSON: Ninety-five voting Aye, one voting No.

PRESIDENT GRAYBILL: Very well, section twenty-one passes. Section twenty-two.

CLERK HANSON: (Reading) Section twenty-two, Excessive Sanctions. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section twenty-two, vote Aye; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

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Mr. Jacobsen.

DELEGATE JACOBSEN: Mr. President, I wanted to vote Aye. I was asleep.

PRESIDENT GRAYBILL: Mr. Jacobsen wishes to be recorded as voting Aye.

Aasheim	- Aye	Burkhardt	- Aye
Anderson, J.	- Aye	Cain	- Aye
Anderson, O.	- Aye	Campbell	- Aye
Arbanas	- Aye	Cate	- Aye
Arness	- Aye	Champoux	- Aye
Aronow	- Aye	Choate	- Aye
Artz	- Aye	Conover	- Aye
Ask	- Aye	Cross	- Aye
Babcock	- Aye	Dahood	- Aye
Barnard	- Aye	Davis	- Aye
Bates	- Aye	Delaney	- Abs
Belcher	- Aye	Driscoll	- Aye
Berg	- Aye	Drum	- Aye
Berthelson	- Aye	Eck	- Aye
Blaylock	- Aye	Erdmann	- Aye
Blend	- Aye	Eskildsen	- Aye
Bowman	- Aye	Etchart	- Aye
Brazier	- Aye	Felt	- Abs
Brown	- Aye	Foster	- Aye
Bugbee	- Aye	Furlong	- Aye

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1	Garlington	- Aye	McDonough	- Aye
2	Graybill	- Aye	McKeon	- Aye
3	Gysler	- Aye	McNeil	- Aye
4	Habedank	- Aye	Melvin	- Aye
5	Hanson, R. S.	- Aye	Monroe	- Aye
6	Hanson, R.	- Aye	Murray	- Aye
7	Harbaugh	- Aye	Noble	- Aye
8	Harlow	- Abs	Nutting	- Aye
9	Harper	- Aye	Payne	- Aye
10	Harrington	- Abs	Pemberton	- Aye
11	Heliker	- Aye	Rebal	- Aye
12	Holland	- Aye	Reichert	- Aye
13	Jacobsen	- Aye	Robinson	- Aye
14	James	- Aye	Roeder	- Aye
15	Johnson	- Aye	Rollins	- Aye
16	Joyce	- Aye	Romney	- Aye
17	Kamhoot	- Aye	Rygg	- Aye
18	Kelleher	- Aye	Scanlin	- Aye
19	Leuthold	- Aye	Schiltz	- Abs
20	Loendorf	- Aye	Siderius	- Aye
21	Lorello	- Aye	Simon	- Aye
22	Mahoney	- Aye	Skari	- Aye
23	Mansfield	- Aye	Sparks	- Aye
24	Martin	- Aye	Speer	- Aye
25	McCarvel	- Aye	Studer	- Aye

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Sullivan	- Aye	Wagner	- Aye
Swanberg	- Aye	Ward	- Aye
Toole	- Aye	Warden	- Aye
Van Buskirk	- Aye	Wilson	- Aye
Vermillion	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, Jacobsen voting Aye, ninety-five Delegates voting Aye; no Delegates voting No.

PRESIDENT GRAYBILL: Section twenty-two has been adopted. Section twenty-three.

CLERK HANSON: (Reading) Section twenty-three, Detention. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section twenty-three, vote Aye; opposed, vote No. Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Babcock	- Aye
Anderson, J.	- Abs	Barnard	- Aye
Anderson, O.	- Aye	Bates	- Aye
Arbanas	- Aye	Belcher	- Aye
Arness	- Aye	Berg	- Aye
Aronow	- Aye	Berthelson	- Aye
Artz	- Aye	Blaylock	- Aye
Ask	- Aye	Blend	- Aye

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1	Bowman	- Aye	Graybill	- Aye
2	Brazier	- Aye	Gysler	- Aye
3	Brown	- Aye	Habedank	- Aye
4	Bugbee	- Aye	Hanson, R. S.	- Aye
5	Burkhardt	- Aye	Hanson, R.	- Aye
6	Cain	- Aye	Harbaugh	- Aye
7	Campbell	- Aye	Harlow	- Aye
8	Cate	- Aye	Harper	- Aye
9	Champoux	- Aye	Harrington	- Aye
10	Choate	- Aye	Heliker	- Aye
11	Conover	- Aye	Holland	- Aye
12	Cross	- Aye	Jacobsen	- Aye
13	Dahood	- Aye	James	- Aye
14	Davis	- Aye	Johnson	- Aye
15	Delaney	- Abs	Joyce	- Aye
16	Driscoll	- Aye	Kamhoot	- Aye
17	Drum	- Aye	Kelleher	- Aye
18	Eck	- Aye	Leuthold	- Aye
19	Erdmann	- Aye	Loendorf	- Aye
20	Eskildsen	- Aye	Lorello	- Aye
21	Etchart	- Aye	Mahoney	- Nay
22	Felt	- Abs	Mansfield	- Aye
23	Foster	- Aye	Martin	- Aye
24	Furlong	- Aye	McCarvel	- Aye
25	Garlington	- Aye	McDonough	- Aye

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McKeon	- Aye	Schiltz	- Aye
McNeil	- Aye	Siderius	- Aye
Melvin	- Aye	Simon	- Aye
Monroe	- Aye	Skari	- Aye
Murray	- Aye	Sparks	- Aye
Noble	- Aye	Speer	- Aye
Nutting	- Aye	Studer	- Nay
Payne	- Aye	Sullivan	- Aye
Pemberton	- Aye	Swanberg	- Aye
Rebal	- Aye	Toole	- Aye
Reichert	- Aye	Van Buskirk	- Aye
Robinson	- Aye	Vermillion	- Aye
Roeder	- Aye	Wagner	- Aye
Rollins	- Aye	Ward	- Aye
Romney	- Aye	Warden	- Aye
Rygg	- Aye	Wilson	- Aye
Scanlin	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-five Delegates voting Aye, two voting No.

PRESIDENT GRAYBILL: Very well, twenty-three's adopted. Twenty-four.

CLERK HANSON: (Reading) Section twenty-four, Rights of the Accused. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor

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of section twenty-four, vote Aye; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Brown	- Aye
Anderson, J.	- Aye	Bugbee	- Aye
Anderson, O.	- Aye	Burkhardt	- Aye
Arbanas	- Aye	Cain	- Aye
Arness	- Aye	Campbell	- Aye
Aronow	- Aye	Cate	- Abs
Artz	- Aye	Champoux	- Aye
Ask	- Aye	Choate	- Aye
Babcock	- Aye	Conover	- Aye
Barnard	- Aye	Cross	- Aye
Bates	- Aye	Dahood	- Aye
Belcher	- Aye	Davis	- Aye
Berg	- Aye	Delaney	- Abs
Berthelson	- Aye	Driscoll	- Aye
Blaylock	- Aye	Drum	- Aye
Blend	- Aye	Eck	- Aye
Bowman	- Aye	Erdmann	- Aye
Brazier	- Aye	Eskildsen	- Aye

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1	Etchart	- Aye	Mahoney	- Aye
2	Felt	- Abs	Mansfield	- Aye
3	Foster	- Aye	Martin	- Aye
4	Furlong	- Aye	McCarvel	- Aye
5	Garlington	- Aye	McDonough	- Aye
6	Graybill	- Aye	McKeon	- Aye
7	Gysler	- Aye	McNeil	- Aye
8	Habedank	- Aye	Melvin	- Aye
9	Hanson, R. S.	- Aye	Monroe	- Aye
10	Hanson, R.	- Aye	Murray	- Aye
11	Harbaugh	- Aye	Noble	- Aye
12	Harlow	- Aye	Nutting	- Aye
13	Harper	- Aye	Payne	- Aye
14	Harrington	- Aye	Pemberton	- Aye
15	Heliker	- Aye	Rebal	- Aye
16	Holland	- Aye	Reichert	- Aye
17	Jacobsen	- Aye	Robinson	- Aye
18	James	- Aye	Roeder	- Aye
19	Johnson	- Aye	Rollins	- Aye
20	Joyce	- Aye	Romney	- Aye
21	Kamhoot	- Aye	Rygg	- Aye
22	Kelleher	- Aye	Scanlin	- Aye
23	Leuthold	- Aye	Schiltz	- Aye
24	Loendorf	- Aye	Siderius	- Aye
25	Lorello	- Aye	Simon	- Aye

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Skari	- Aye	Van Buskirk	- Aye
Sparks	- Aye	Vermillion	- Aye
Speer	- Aye	Wagner	- Aye
Studer	- Aye	Ward	- Aye
Sullivan	- Aye	Warden	- Aye
Swanberg	- Aye	Wilson	- Aye
Toole	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-seven Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Very well, section twenty-four is adopted. Section twenty-five.

CLERK HANSON: (Reading) Section twenty-five, Self-Incrimination and Double Jeopardy. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section twenty-five, vote Aye; opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Arbanas	- Aye
Anderson, J.	- Aye	Arness	- Aye
Anderson, O.	- Aye	Aronow	- Aye

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Artz	- Aye		Driscoll	- Aye
Ask	- Aye		Drum	- Aye
Babcock	- Aye		Eck	- Aye
Barnard	- Aye		Erdmann	- Aye
Bates	- Aye		Eskildsen	- Aye
Belcher	- Aye		Etchart	- Aye
Berg	- Aye		Felt	- Abs
Berthelson	- Aye		Foster	- Aye
Blaylock	- Aye		Furlong	- Abs
Blend	- Aye		Garlington	- Aye
Bowman	- Aye		Graybill	- Aye
Brazier	- Aye		Gysler	- Aye
Brown	- Aye		Habedank	- Aye
Bugbee	- Aye		Hanson, R. S.	- Aye
Burkhardt	- Aye		Hanson, R.	- Aye
Cain	- Aye		Harbaugh	- Aye
Campbell	- Aye		Harlow	- Aye
Cate	- Aye		Harper	- Aye
Champoux	- Aye		Harrington	- Aye
Choate	- Aye		Heliker	- Aye
Conover	- Aye		Holland	- Aye
Cross	- Aye		Jacobsen	- Aye
Dahood	- Aye		James	- Aye
Davis	- Aye		Johnson	- Aye
Delaney	- Abs		Joyce	- Aye

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Kamhoot	- Aye		Roeder	- Aye
Kelleher	- Aye		Rollins	- Aye
Leuthold	- Aye		Romney	- Aye
Loendorf	- Aye		Rygg	- Aye
Lorello	- Aye		Scanlin	- Aye
Mahoney	- Aye		Schiltz	- Aye
Mansfield	- Aye		Siderius	- Aye
Martin	- Aye		Simon	- Aye
McCarvel	- Aye		Skari	- Aye
McDonough	- Aye		Sparks	- Aye
McKeon	- Aye		Speer	- Aye
McNeil	- Aye		Studer	- Nay
Melvin	- Aye		Sullivan	- Aye
Monroe	- Aye		Swanberg	- Aye
Murray	- Abs		Toole	- Aye
Noble	- Aye		Van Buskirk	- Aye
Nutting	- Aye		Vermillion	- Aye
Payne	- Aye		Wagner	- Aye
Pemberton	- Aye		Ward	- Aye
Rebal	- Aye		Warden	- Aye
Reichert	- Aye		Wilson	- Aye
Robinson	- Aye		Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-five Delegates voting Aye, one voting No.

PRESIDENT GRAYBILL: Very well, section twenty-five

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is adopted. Section twenty-six.

CLERK HANSON: (Reading) Section twenty-six, Trial By Jury. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section twenty-six, vote Aye; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot on number twenty-six.

Aasheim	- Aye	Berg	- Aye
Anderson, J.	- Aye	Berthelson	- Aye
Anderson, O.	- Nay	Blaylock	- Aye
Arbanas	- Aye	Blend	- Abs
Arness	- Aye	Bowman	- Aye
Aronow	- Aye	Brazier	- Aye
Artz	- Aye	Brown	- Aye
Ask	- Aye	Bugbee	- Aye
Babcock	- Aye	Burkhardt	- Aye
Barnard	- Aye	Cain	- Aye
Bates	- Aye	Campbell	- Aye
Belcher	- Aye	Cate	- Aye

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1	Champoux	- Aye	Harrington	- Aye
2	Choate	- Aye	Heliker	- Aye
3	Conover	- Aye	Holland	- Aye
4	Cross	- Aye	Jacobsen	- Aye
5	Dahood	- Aye	James	- Aye
6	Davis	- Aye	Johnson	- Nay
7	Delaney	- Abs	Joyce	- Aye
8	Driscoll	- Aye	Kamhoot	- Nay
9	Drum	- Aye	Kelleher	- Aye
10	Eck	- Aye	Leuthold	- Aye
11	Erdmann	- Aye	Loendorf	- Aye
12	Eskildsen	- Aye	Lorello	- Aye
13	Etchart	- Aye	Mahoney	- Aye
14	Felt	- Abs	Mansfield	- Aye
15	Foster	- Aye	Martin	- Aye
16	Furlong	- Aye	McCarvel	- Aye
17	Garlington	- Aye	McDonough	- Aye
18	Graybill	- Aye	McKeon	- Aye
19	Gysler	- Aye	McNeil	- Aye
20	Habedank	- Nay	Melvin	- Aye
21	Hanson, R. S.	- Aye	Monroe	- Aye
22	Hanson, R.	- Aye	Murray	- Aye
23	Harbaugh	- Aye	Noble	- Aye
24	Harlow	- Aye	Nutting	- Aye
25	Harper	- Aye	Payne	- Aye

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Pemberton	- Aye	Sparks	- Aye
Rebal	- Aye	Speer	- Aye
Reichert	- Aye	Studer	- Aye
Robinson	- Aye	Sullivan	- Aye
Roeder	- Aye	Swanberg	- Aye
Rollins	- Aye	Toole	- Aye
Romney	- Aye	Van Buskirk	- Aye
Rygg	- Aye	Vermillion	- Aye
Scanlin	- Aye	Wagner	- Aye
Schiltz	- Aye	Ward	- Aye
Siderius	- Aye	Warden	- Aye
Simon	- Aye	Wilson	- Aye
Skari	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-three Delegates voting Aye, four voting No.

PRESIDENT GRAYBILL: Very well, section twenty-six is adopted. Section twenty-seven.

CLERK HANSON: (Reading) Section twenty-seven, Imprisonment for Debt. (End reading)

Mr. President.

PRESIDENT GRAYBILL: As many as shall be in favor of section twenty-seven, say Aye, vote Aye; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to

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change?

(No response)

PRESIDENT GRAYBILL: Very well, take the ballot.

Aasheim	- Aye	Campbell	- Aye
Anderson, J.	- Aye	Cate	- Nay
Anderson, O.	- Aye	Champoux	- Abs
Arbanas	- Aye	Choate	- Aye
Arness	- Aye	Conover	- Aye
Aronow	- Aye	Cross	- Aye
Artz	- Aye	Dahood	- Aye
Ask	- Aye	Davis	- Nay
Babcock	- Aye	Delaney	- Abs
Barnard	- Aye	Driscoll	- Aye
Bates	- Abs	Drum	- Aye
Belcher	- Nay	Eck	- Aye
Berg	- Aye	Erdmann	- Aye
Berthelson	- Aye	Eskildsen	- Aye
Blaylock	- Aye	Etchart	- Aye
Blend	- Aye	Felt	- Abs
Bowman	- Aye	Foster	- Aye
Brazier	- Aye	Furlong	- Aye
Brown	- Abs	Garlington	- Aye
Bugbee	- Aye	Graybill	- Aye
Burkhardt	- Aye	Gysler	- Aye
Cain	- Aye	Habedank	- Aye

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1	Hanson, R. S.	- Aye	Monroe	- Aye
2	Hanson, R.	- Aye	Murray	- Aye
3	Harbaugh	- Aye	Noble	- Aye
4	Harlow	- Aye	Nutting	- Aye
5	Harper	- Aye	Payne	- Aye
6	Harrington	- Aye	Pemberton	- Aye
7	Heliker	- Aye	Rebal	- Aye
8	Holland	- Nay	Reichert	- Aye
9	Jacobsen	- Nay	Robinson	- Nay
10	James	- Aye	Roeder	- Aye
11	Johnson	- Aye	Rollins	- Aye
12	Joyce	- Nay	Romney	- Aye
13	Kamhoot	- Aye	Rygg	- Aye
14	Kelleher	- Aye	Scanlin	- Aye
15	Leuthold	- Aye	Schiltz	- Aye
16	Loendorf	- Nay	Siderius	- Aye
17	Lorello	- Aye	Simon	- Aye
18	Mahoney	- Aye	Skari	- Aye
19	Mansfield	- Aye	Sparks	- Aye
20	Martin	- Aye	Speer	- Aye
21	McCarvel	- Aye	Studer	- Aye
22	McDonough	- Aye	Sullivan	- Aye
23	McKeon	- Nay	Swanberg	- Aye
24	McNeil	- Aye	Toole	- Aye
25	Melvin	- Aye	Van Buskirk	- Aye

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Vermillion	- Aye	Warden	- Aye
Wagner	- Aye	Wilson	- Aye
Ward	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, eighty-six Delegates voting Aye, nine voting No.

PRESIDENT GRAYBILL: Very well, section twenty-seven is adopted. Section twenty-eight.

CLERK HANSON: (Reading) Section twenty-eight, Rights of the Convicted. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section twenty-eight, vote Aye; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, take the ballot.

Aasheim	- Aye	Ask	- Aye
Anderson, J.	- Aye	Babcock	- Aye
Anderson, O.	- Aye	Barnard	- Aye
Arbanas	- Aye	Bates	- Aye
Arness	- Aye	Belcher	- Aye
Aronow	- Aye	Berg	- Aye
Artz	- Aye	Berthelson	- Aye

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1	Blaylock	- Aye	Furlong	- Aye
2	Blend	- Aye	Garlington	- Aye
3	Bowman	- Aye	Graybill	- Aye
4	Brazier	- Aye	Gysler	- Aye
5	Brown	- Aye	Habedank	- Nay
6	Bugbee	- Aye	Hanson, R. S.	- Aye
7	Burkhardt	- Aye	Hanson, R.	- Aye
8	Cain	- Aye	Harbaugh	- Aye
9	Campbell	- Aye	Harlow	- Aye
10	Cate	- Aye	Harper	- Aye
11	Champoux	- Aye	Harrington	- Aye
12	Choate	- Aye	Heliker	- Aye
13	Conover	- Aye	Holland	- Aye
14	Cross	- Aye	Jacobsen	- Aye
15	Dahood	- Aye	James	- Aye
16	Davis	- Aye	Johnson	- Nay
17	Delaney	- Abs	Joyce	- Aye
18	Driscoll	- Aye	Kamhoot	- Nay
19	Drum	- Aye	Kelleher	- Aye
20	Eck	- Aye	Leuthold	- Aye
21	Erdmann	- Aye	Loendorf	- Aye
22	Eskildsen	- Aye	Lorello	- Aye
23	Etchart	- Aye	Mahoney	- Aye
24	Felt	- Abs	Mansfield	- Aye
25	Foster	- Aye	Martin	- Aye

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McCarvel	- Aye	Scanlin	- Aye
McDonough	- Aye	Schiltz	- Aye
McKeon	- Aye	Siderius	- Aye
McNeil	- Aye	Simon	- Aye
Melvin	- Aye	Skari	- Aye
Monroe	- Aye	Sparks	- Aye
Murray	- Aye	Speer	- Aye
Noble	- Aye	Studer	- Nay
Nutting	- Aye	Sullivan	- Aye
Payne	- Aye	Swanberg	- Aye
Pemberton	- Aye	Toole	- Abs
Rebal	- Aye	Van Buskirk	- Aye
Reichert	- Aye	Vermillion	- Aye
Robinson	- Aye	Wagner	- Aye
Roeder	- Aye	Ward	- Nay
Rollins	- Aye	Warden	- Abs
Romney	- Aye	Wilson	- Nay
Rygg	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety Delegates voting Aye, six voting No.

PRESIDENT GRAYBILL: Section twenty-eight's adopted. Section twenty-nine.

CLERK HANSON: (Reading) Section twenty-nine, Eminent Domain. (End reading)

Mr. President.

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PRESIDENT GRAYBILL: So many as shall be in favor of Section twenty-nine, vote Aye; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Brazier	- Nay
Anderson, J.	- Aye	Brown	- Nay
Anderson, O.	- Nay	Bugbee	- Aye
Arbanas	- Aye	Burkhardt	- Aye
Arness	- Aye	Cain	- Aye
Aronow	- Aye	Campbell	- Aye
Artz	- Aye	Cate	- Aye
Ask	- Aye	Champoux	- Aye
Babcock	- Aye	Choate	- Aye
Barnard	- Aye	Conover	- Aye
Bates	- Aye	Cross	- Aye
Belcher	- Aye	Dahood	- Aye
Berg	- Nay	Davis	- Nay
Berthelson	- Nay	Delaney	- Abs
Blaylock	- Aye	Driscoll	- Aye
Blend	- Aye	Drum	- Aye
Bowman	- Nay	Eck	- Aye

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1	Erdmann	- Nay	Loendorf	- Aye
2	Eskildsen	- Aye	Lorello	- Aye
3	Etchart	- Aye	Mahoney	- Aye
4	Felt	- Abs	Mansfield	- Aye
5	Foster	- Aye	Martin	- Aye
6	Furlong	- Aye	McCarvel	- Aye
7	Garlington	- Aye	McDonough	- Aye
8	Graybill	- Aye	McKeon	- Aye
9	Gysler	- Aye	McNeil	- Aye
10	Habedank	- Nay	Melvin	- Nay
11	Hanson, R. S.	- Aye	Monroe	- Aye
12	Hanson, R.	- Aye	Murray	- Aye
13	Harbaugh	- Aye	Noble	- Aye
14	Harlow	- Aye	Nutting	- Nay
15	Harper	- Aye	Payne	- Nay
16	Harrington	- Aye	Pemberton	- Aye
17	Heliker	- Aye	Rebal	- Aye
18	Holland	- Abs	Reichert	- Aye
19	Jacobsen	- Aye	Robinson	- Aye
20	James	- Aye	Roeder	- Aye
21	Johnson	- Aye	Rollins	- Aye
22	Joyce	- Aye	Romney	- Aye
23	Kamhoot	- Aye	Rygg	- Aye
24	Kelleher	- Aye	Scanlin	- Aye
25	Leuthold	- Aye	Schiltz	- Aye

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Siderius	- Aye	Toole	- Aye
Simon	- Aye	Van Buskirk	- Aye
Skari	- Aye	Vermillion	- Aye
Sparks	- Aye	Wagner	- Aye
Speer	- Aye	Ward	- Aye
Studer	- Aye	Warden	- Aye
Sullivan	- Aye	Wilson	- Aye
Swanberg	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, eighty-five Delegates voting Aye, twelve voting No.

PRESIDENT GRAYBILL: Section twenty-nine is adopted. Section thirty.

CLERK HANSON: (Reading) Section thirty, Treason and Descent of Estates. (End reading)

Mr. Chairman.

PRESIDENT GRAYBILL: So many as shall be in favor of section thirty, vote Aye; opposed, No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, take the ballot.

Aasheim	- Aye	Anderson, O.	- Aye
Anderson, J.	- Aye	Arbanas	- Aye

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1	Arness	- Aye	Davis	- Aye
2	Aronow	- Aye	Delaney	- Abs
3	Artz	- Aye	Driscoll	- Aye
4	Ask	- Aye	Drum	- Aye
5	Babcock	- Aye	Eck	- Aye
6	Barnard	- Aye	Erdmann	- Aye
7	Bates	- Aye	Eskildsen	- Aye
8	Belcher	- Aye	Etchart	- Aye
9	Berg	- Aye	Felt	- Abs
10	Berthelson	- Aye	Foster	- Aye
11	Blaylock	- Aye	Furlong	- Aye
12	Blend	- Aye	Garlington	- Aye
13	Bowman	- Aye	Graybill	- Aye
14	Brazier	- Aye	Gysler	- Aye
15	Brown	- Aye	Habedank	- Aye
16	Bugbee	- Aye	Hanson, R. S.	- Aye
17	Burkhardt	- Aye	Hanson, R.	- Aye
18	Cain	- Aye	Harbaugh	- Aye
19	Campbell	- Aye	Harlow	- Aye
20	Cate	- Aye	Harper	- Aye
21	Champoux	- Aye	Harrington	- Aye
22	Choate	- Aye	Heliker	- Aye
23	Conover	- Aye	Holland	- Aye
24	Cross	- Aye	Jacobsen	- Aye
25	Dahood	- Aye	James	- Aye

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Johnson	- Aye		Robinson	- Aye
Joyce	- Aye		Roeder	- Aye
Kamhoot	- Aye		Rollins	- Aye
Kelleher	- Aye		Romney	- Aye
Leuthold	- Aye		Rygg	- Aye
Loendorf	- Aye		Scanlin	- Aye
Lorello	- Aye		Schiltz	- Aye
Mahoney	- Aye		Siderius	- Aye
Mansfield	- Aye		Simon	- Aye
Martin	- Aye		Skari	- Aye
McCarvel	- Aye		Sparks	- Aye
McDonough	- Aye		Speer	- Aye
McKeon	- Aye		Studer	- Aye
McNeil	- Aye		Sullivan	- Aye
Melvin	- Aye		Swanberg	- Aye
Monroe	- Aye		Toole	- Aye
Murray	- Aye		Van Buskirk	- Aye
Noble	- Aye		Vermillion	- Aye
Nutting	- Aye		Wagner	- Aye
Payne	- Aye		Ward	- Aye
Pemberton	- Aye		Warden	- Aye
Rebal	- Aye		Wilson	- Aye
Reichert	- Aye		Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-eight Delegates voting Aye, no Delegates voting No.

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PRESIDENT GRAYBILL: Very well, thirty is adopted. Section thirty-one.

CLERK HANSON: (Reading) Section thirty-one, Ex Post Facto, Obligation of Contracts, and Irrevocable Privileges. (End reading)

Mr. President.

PRESIDENT GRAYBILL: As many as shall be in favor of section thirty-one, vote Aye; opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Belcher	- Nay
Anderson, J.	- Aye	Berg	- Nay
Anderson, O.	- Aye	Berthelson	- Aye
Arbanas	- Aye	Blaylock	- Aye
Arness	- Aye	Blend	- Aye
Aronow	- Aye	Bowman	- Aye
Artz	- Aye	Brazier	- Aye
Ask	- Aye	Brown	- Aye
Babcock	- Aye	Bugbee	- Aye
Barnard	- Aye	Burkhardt	- Aye
Bates	- Aye	Cain	- Aye

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1	Campbell	- Aye	Harlow	- Aye
2	Cate	- Aye	Harper	- Aye
3	Champoux	- Aye	Harrington	- Aye
4	Choate	- Aye	Heliker	- Aye
5	Conover	- Aye	Holland	- Aye
6	Cross	- Aye	Jacobsen	- Aye
7	Dahood	- Aye	James	- Aye
8	Davis	- Aye	Johnson	- Aye
9	Delaney	- Abs	Joyce	- Aye
10	Driscoll	- Aye	Kamhoot	- Aye
11	Drum	- Aye	Kelleher	- Aye
12	Eck	- Aye	Leuthold	- Aye
13	Erdmann	- Abs	Loendorf	- Aye
14	Eskildsen	- Aye	Lorello	- Aye
15	Etchart	- Aye	Mahoney	- Aye
16	Felt	- Abs	Mansfield	- Aye
17	Foster	- Aye	Martin	- Aye
18	Furlong	- Aye	McCarvel	- Aye
19	Garlington	- Aye	McDonough	- Aye
20	Graybill	- Aye	McKeon	- Aye
21	Gysler	- Aye	McNeil	- Aye
22	Habedank	- Aye	Melvin	- Aye
23	Hanson, R. S.	- Aye	Monroe	- Aye
24	Hanson, R.	- Aye	Murray	- Aye
25	Harbaugh	- Aye	Noble	- Aye

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Nutting	- Aye		Skari	- Aye
Payne	- Aye		Sparks	- Aye
Pemberton	- Aye		Speer	- Aye
Rebal	- Aye		Studer	- Aye
Reichert	- Aye		Sullivan	- Aye
Robinson	- Aye		Swanberg	- Aye
Roeder	- Aye		Toole	- Aye
Rollins	- Aye		Van Buskirk	- Aye
Romney	- Aye		Vermillion	- Aye
Rygg	- Aye		Wagner	- Aye
Scanlin	- Aye		Ward	- Aye
Schiltz	- Aye		Warden	- Aye
Siderius	- Aye		Wilson	- Aye
Simon	- Aye		Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-five Delegates voting Aye, two voting No.

PRESIDENT GRAYBILL: Section thirty-one is adopted. Section thirty-two.

CLERK HANSON: (Reading) Section thirty-two, Civilian Control of the Military. (End reading)

Mr. President.

PRESIDENT GRAYBILL: As many as shall be in favor, vote Aye; and opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to

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change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Campbell	- Aye
Anderson, J.	- Aye	Cate	- Aye
Anderson, O.	- Aye	Champoux	- Aye
Arbanas	- Aye	Choate	- Aye
Arness	- Aye	Conover	- Aye
Aronow	- Aye	Cross	- Aye
Artz	- Aye	Dahood	- Aye
Ask	- Aye	Davis	- Aye
Babcock	- Aye	Delaney	- Abs
Barnard	- Aye	Driscoll	- Aye
Bates	- Aye	Drum	- Aye
Belcher	- Aye	Eck	- Aye
Berg	- Aye	Erdmann	- Aye
Berthelson	- Aye	Eskildsen	- Abs
Blaylock	- Aye	Etchart	- Aye
Blend	- Aye	Felt	- Abs
Bowman	- Nay	Foster	- Aye
Brazier	- Aye	Furlong	- Aye
Brown	- Nay	Garlington	- Aye
Bugbee	- Nay	Graybill	- Aye
Burkhardt	- Aye	Gysler	- Aye
Cain	- Aye	Habedank	- Aye

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1	Hanson, R. S.	- Aye	Monroe	- Aye
2	Hanson, R.	- Aye	Murray	- Aye
3	Harbaugh	- Aye	Noble	- Aye
4	Harlow	- Aye	Nutting	- Aye
5	Harper	- Aye	Payne	- Aye
6	Harrington	- Aye	Pemberton	- Aye
7	Heliker	- Aye	Rebal	- Aye
8	Holland	- Aye	Reichert	- Aye
9	Jacobsen	- Aye	Robinson	- Aye
10	James	- Aye	Roeder	- Aye
11	Johnson	- Aye	Rollins	- Aye
12	Joyce	- Aye	Romney	- Aye
13	Kamhoot	- Aye	Rygg	- Aye
14	Kelleher	- Aye	Scanlin	- Aye
15	Leuthold	- Aye	Schiltz	- Aye
16	Loendorf	- Aye	Siderius	- Aye
17	Lorello	- Aye	Simon	- Aye
18	Mahoney	- Aye	Skari	- Aye
19	Mansfield	- Aye	Sparks	- Aye
20	Martin	- Aye	Speer	- Aye
21	McCarvel	- Aye	Studer	- Aye
22	McDonough	- Aye	Sullivan	- Aye
23	McKeon	- Aye	Swanberg	- Aye
24	McNeil	- Aye	Toole	- Aye
25	Melvin	- Aye	Van Buskirk	- Aye

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Vermillion	- Aye	Warden	- Aye
Wagner	- Aye	Wilson	- Aye
Ward	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-four Delegates voting Aye, three voting No.

PRESIDENT GRAYBILL: Very well, section thirty-two is adopted. Section thirty-three.

CLERK HANSON: (Reading) Section thirty-three, Importation of Armed Persons. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section thirty-three, vote Aye; and opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does anybody want to change their vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Nay	Ask	- Aye
Anderson, J.	- Aye	Babcock	- Aye
Anderson, O.	- Nay	Barnard	- Aye
Arbanas	- Aye	Bates	- Aye
Arness	- Aye	Belcher	- Aye
Aronow	- Aye	Berg	- Aye
Artz	- Aye	Berthelson	- Aye

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1	Blaylock	- Aye	Furlong	- Aye
2	Blend	- Aye	Garlington	- Aye
3	Bowman	- Aye	Graybill	- Aye
4	Brazier	- Aye	Gysler	- Aye
5	Brown	- Aye	Habedank	- Aye
6	Bugbee	- Aye	Hanson, R. S.	- Aye
7	Burkhardt	- Aye	Hanson, R.	- Aye
8	Cain	- Aye	Harbaugh	- Aye
9	Campbell	- Aye	Harlow	- Aye
10	Cate	- Aye	Harper	- Aye
11	Champoux	- Aye	Harrington	- Aye
12	Choate	- Aye	Heliker	- Aye
13	Conover	- Aye	Holland	- Aye
14	Cross	- Aye	Jacobsen	- Aye
15	Dahood	- Aye	James	- Aye
16	Davis	- Aye	Johnson	- Aye
17	Delaney	- Abs	Joyce	- Aye
18	Driscoll	- Aye	Kamhoot	- Aye
19	Drum	- Aye	Kelleher	- Aye
20	Eck	- Aye	Leuthold	- Aye
21	Erdmann	- Aye	Loendorf	- Aye
22	Eskildsen	- Aye	Lorello	- Aye
23	Etchart	- Aye	Mahoney	- Aye
24	Felt	- Abs	Mansfield	- Aye
25	Foster	- Aye	Martin	- Aye

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McCarvel	- Aye	Scanlin	- Aye
McDonough	- Aye	Schiltz	- Aye
McKeon	- Aye	Siderius	- Aye
McNeil	- Aye	Simon	- Aye
Melvin	- Aye	Skari	- Aye
Monroe	- Aye	Sparks	- Aye
Murray	- Aye	Speer	- Aye
Noble	- Aye	Studer	- Aye
Nutting	- Aye	Sullivan	- Aye
Payne	- Aye	Swanberg	- Aye
Pemberton	- Aye	Toole	- Aye
Rebal	- Aye	Van Buskirk	- Aye
Reichert	- Aye	Vermillion	- Aye
Robinson	- Aye	Wagner	- Aye
Roeder	- Aye	Ward	- Aye
Rollins	- Aye	Warden	- Aye
Romney	- Aye	Wilson	- Aye
Rygg	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-six Delegates voting Aye, two voting No.

PRESIDENT GRAYBILL: Very well, section thirty-three is adopted. Section thirty-four.

CLERK HANSON: (Reading) Section thirty-four, Unenumerated Rights. (End reading)

Mr. President.

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PRESIDENT GRAYBILL: So many as shall be in favor of section thirty-four, vote Aye; and opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Close the ballot.

Aasheim	- Aye	Brazier	- Aye
Anderson, J.	- Aye	Brown	- Aye
Anderson, O.	- Aye	Bugbee	- Aye
Arbanas	- Aye	Burkhardt	- Aye
Arness	- Aye	Cain	- Aye
Aronow	- Aye	Campbell	- Aye
Artz	- Aye	Cate	- Aye
Ask	- Aye	Champoux	- Aye
Babcock	- Aye	Choate	- Aye
Barnard	- Aye	Conover	- Aye
Bates	- Aye	Cross	- Aye
Belcher	- Aye	Dahood	- Aye
Berg	- Aye	Davis	- Aye
Berthelson	- Aye	Delaney	- Abs
Blaylock	- Aye	Driscoll	- Aye
Blend	- Aye	Drum	- Aye
Bowman	- Aye	Eck	- Aye

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1	Erdmann	- Aye	Loendorf	- Aye
2	Eskildsen	- Aye	Lorello	- Aye
3	Etchart	- Aye	Mahoney	- Aye
4	Felt	- Abs	Mansfield	- Aye
5	Foster	- Aye	Martin	- Aye
6	Furlong	- Aye	McCarvel	- Aye
7	Garlington	- Aye	McDonough	- Aye
8	Graybill	- Aye	McKeon	- Aye
9	Gysler	- Aye	McNeil	- Aye
10	Habedank	- Aye	Melvin	- Aye
11	Hanson, R. S.	- Aye	Monroe	- Aye
12	Hanson, R.	- Aye	Murray	- Aye
13	Harbaugh	- Aye	Noble	- Aye
14	Harlow	- Aye	Nutting	- Aye
15	Harper	- Aye	Payne	- Aye
16	Harrington	- Aye	Pemberton	- Aye
17	Heliker	- Aye	Rebal	- Aye
18	Holland	- Aye	Reichert	- Aye
19	Jacobsen	- Aye	Robinson	- Aye
20	James	- Aye	Roeder	- Aye
21	Johnson	- Aye	Rollins	- Aye
22	Joyce	- Aye	Romney	- Aye
23	Kamhoot	- Aye	Rygg	- Aye
24	Kelleher	- Aye	Scanlin	- Aye
25	Leuthold	- Aye	Schiltz	- Aye

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Siderius	- Aye	Toole	- Aye
Simon	- Aye	Van Buskirk	- Aye
Skari	- Aye	Vermillion	- Aye
Sparks	- Aye	Wagner	- Aye
Speer	- Aye	Ward	- Aye
Studer	- Aye	Warden	- Aye
Sullivan	- Aye	Wilson	- Aye
Swanberg	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-eight Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Section thirty-four is adopted. Section thirty-five.

CLERK HANSON: (Reading) Section thirty-five, Servicemen, Servicewomen, and Veterans. (End reading)

Mr. President.

PRESIDENT GRAYBILL: As many as are in favor of section thirty-five, vote Aye; and opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate want to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Nay	Anderson, O.	- Aye
Anderson, J.	- Aye	Arbanas	- Aye

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1	Arness	- Aye	Davis	- Aye
2	Aronow	- Aye	Delaney	- Abs
3	Artz	- Aye	Driscoll	- Aye
4	Ask	- Aye	Drum	- Aye
5	Babcock	- Aye	Eck	- Aye
6	Barnard	- Aye	Erdmann	- Aye
7	Bates	- Aye	Eskildsen	- Aye
8	Belcher	- Aye	Etchart	- Aye
9	Berg	- Nay	Felt	- Abs
10	Berthelson	- Aye	Foster	- Aye
11	Blaylock	- Nay	Furlong	- Aye
12	Blend	- Aye	Garlington	- Aye
13	Bowman	- Nay	Graybill	- Aye
14	Brazier	- Nay	Gysler	- Aye
15	Brown	- Nay	Habedank	- Aye
16	Bugbee	- Nay	Hanson, R. S.	- Aye
17	Burkhardt	- Nay	Hanson, R.	- Aye
18	Cain	- Aye	Harbaugh	- Aye
19	Campbell	- Aye	Harlow	- Aye
20	Cate	- Aye	Harper	- Aye
21	Champoux	- Aye	Harrington	- Aye
22	Choate	- Aye	Heliker	- Aye
23	Conover	- Aye	Holland	- Aye
24	Cross	- Nay	Jacobsen	- Aye
25	Dahood	- Aye	James	- Aye

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Johnson	- Nay	Robinson	- Aye
Joyce	- Aye	Roeder	- Abs
Kamhoot	- Aye	Rollins	- Nay
Kelleher	- Nay	Romney	- Aye
Leuthold	- Aye	Rygg	- Aye
Loendorf	- Aye	Scanlin	- Nay
Lorello	- Aye	Schiltz	- Aye
Mahoney	- Aye	Siderius	- Aye
Mansfield	- Aye	Simon	- Aye
Martin	- Aye	Skari	- Nay
McCarvel	- Aye	Sparks	- Nay
McDonough	- Aye	Speer	- Aye
McKeon	- Aye	Studer	- Nay
McNeil	- Aye	Sullivan	- Aye
Melvin	- Aye	Swanberg	- Aye
Monroe	- Nay	Toole	- Aye
Murray	- Aye	Van Buskirk	- Aye
Noble	- Aye	Vermillion	- Aye
Nutting	- Aye	Wagner	- Nay
Payne	- Aye	Ward	- Nay
Pemberton	- Aye	Warden	- Aye
Rebal	- Aye	Wilson	- Aye
Reichert	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, seventy-eight Delegates voting Aye, nineteen voting No.

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PRESIDENT GRAYBILL: Seventy-eight Delegates voting Aye and nineteen voting No, section thirty-five is adopted.

Ladies and gentlemen, you have adopted all of the Bill of Rights. Now, we're having placed on your desks the Education section, Order of Business Number Five, on report number ten, Education. We will take it now. I will go somewhat slower since you haven't had it before you, but we need to finish up these this morning, if possible. So section ten -- I mean, report number ten is now being passed out to you. While you're all looking at it, the Chair will call your attention to one style error. On line five, after Educational Goals and Duties, you should insert a one in parentheses. In other words, that's a three-section subsection -- three subsections of section one; number one did not get numbered. Put in a subsection one in parentheses, after the word, duties. I take it that's okay, Mr. Champoux?

DELEGATE CHAMPOUX: Yes.

PRESIDENT GRAYBILL: Ladies and gentlemen, while we have a short break here, we'll let the pages put out number nine on Public Health, too. The pages will distribute it now, too.

Very well, we are ready to go on Education. Will the Clerk please read the title and section one of the Education Article for final adoption?

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CLERK HANSON: (Reading) Order of Business Number Five, Final Consideration, Style and Drafting, Education, Report Number Ten, Article, Education, Section One, Educational Goals and Duties. (End reading) Containing three subsections.

Mr. President.

PRESIDENT GRAYBILL: Very well, we're voting on section one, Educational Goals and Duties, containing three subsections. As many as shall be in favor, vote Aye on the voting machines; opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, cast the ballot.

Aasheim	- Aye	Barnard	- Aye
Anderson, J.	- Aye	Bates	- Aye
Anderson, O.	- Aye	Belcher	- Aye
Arbanas	- Aye	Berg	- Aye
Arness	- Aye	Berthelson	- Aye
Aronow	- Aye	Blaylock	- Abs
Artz	- Aye	Blend	- Aye
Ask	- Aye	Bowman	- Aye
Babcock	- Aye	Brazier	- Nay

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1	Brown	- Abs	Habedank	- Aye
2	Bugbee	- Aye	Hanson, R. S.	- Aye
3	Burkhardt	- Aye	Hanson, R.	- Aye
4	Cain	- Aye	Harbaugh	- Aye
5	Campbell	- Aye	Harlow	- Aye
6	Cate	- Aye	Harper	- Aye
7	Champoux	- Aye	Harrington	- Aye
8	Choate	- Aye	Heliker	- Aye
9	Conover	- Aye	Holland	- Abs
10	Cross	- Aye	Jacobsen	- Abs
11	Dahood	- Aye	James	- Aye
12	Davis	- Aye	Johnson	- Aye
13	Delaney	- Abs	Joyce	- Nay
14	Driscoll	- Aye	Kamhoot	- Aye
15	Drum	- Aye	Kelleher	- Aye
16	Eck	- Aye	Leuthold	- Aye
17	Erdmann	- Nay	Loendorf	- Aye
18	Eskildsen	- Nay	Lorello	- Aye
19	Etchart	- Aye	Mahoney	- Aye
20	Felt	- Abs	Mansfield	- Aye
21	Foster	- Aye	Martin	- Aye
22	Furlong	- Aye	McCarvel	- Aye
23	Garlington	- Aye	McDonough	- Aye
24	Graybill	- Aye	McKeon	- Aye
25	Gysler	- Nay	McNeil	- Aye

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Melvin	- Aye	Siderius	- Aye
Monroe	- Aye	Simon	- Aye
Murray	- Aye	Skari	- Aye
Noble	- Aye	Sparks	- Aye
Nutting	- Aye	Speer	- Aye
Payne	- Aye	Studer	- Abs
Pemberton	- Aye	Sullivan	- Aye
Rebal	- Aye	Swanberg	- Aye
Reichert	- Aye	Toole	- Aye
Robinson	- Aye	Van Buskirk	- Aye
Roeder	- Aye	Vermillion	- Aye
Rollins	- Aye	Wagner	- Aye
Romney	- Aye	Ward	- Aye
Rygg	- Aye	Warden	- Aye
Scanlin	- Aye	Wilson	- Aye
Schiltz	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, eighty-eight Delegates voting Aye, five voting No.

PRESIDENT GRAYBILL: Very well, section one is adopted. Will the Clerk read the title of section two?

CLERK HANSON: (Reading) Section two, Public School Fund. (End reading) Containing no subsections.

Mr. President.

PRESIDENT GRAYBILL: Well, he's technically right; that's an enumeration, it's not a subsection, but it is every-

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thing on page one and the first seven lines of page two. Very well, everyone that's in favor of section two, Public School Fund, vote Aye on the voting machines; opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Bowman	- Aye
Anderson, J.	- Aye	Brazier	- Aye
Anderson, O.	- Aye	Brown	- Aye
Arbanas	- Aye	Bugbee	- Aye
Arness	- Aye	Burkhardt	- Aye
Aronow	- Aye	Cain	- Aye
Artz	- Aye	Campbell	- Aye
Ask	- Aye	Cate	- Aye
Babcock	- Aye	Champoux	- Aye
Barnard	- Aye	Choate	- Aye
Bates	- Aye	Conover	- Aye
Belcher	- Aye	Cross	- Aye
Berg	- Aye	Dahood	- Aye
Berthelson	- Aye	Davis	- Aye
Blaylock	- Aye	Delaney	- Abs
Blend	- Aye	Driscoll	- Aye

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1	Drum	- Aye	Kelleher	- Aye
2	Eck	- Aye	Leuthold	- Aye
3	Erdmann	- Aye	Loendorf	- Aye
4	Eskildsen	- Aye	Lorello	- Aye
5	Etchart	- Aye	Mahoney	- Aye
6	Felt	- Abs	Mansfield	- Aye
7	Foster	- Aye	Martin	- Aye
8	Furlong	- Aye	McCarvel	- Aye
9	Garlington	- Aye	McDonough	- Aye
10	Graybill	- Aye	McKeon	- Aye
11	Gysler	- Aye	McNeil	- Aye
12	Habedank	- Aye	Melvin	- Aye
13	Hanson, R. S.	- Aye	Monroe	- Aye
14	Hanson, R.	- Aye	Murray	- Aye
15	Harbaugh	- Aye	Noble	- Aye
16	Harlow	- Aye	Nutting	- Aye
17	Harper	- Aye	Payne	- Aye
18	Harrington	- Aye	Pemberton	- Aye
19	Heliker	- Aye	Rebal	- Aye
20	Holland	- Abs	Reichert	- Aye
21	Jacobsen	- Abs	Robinson	- Aye
22	James	- Aye	Roeder	- Aye
23	Johnson	- Aye	Rollins	- Aye
24	Joyce	- Aye	Romney	- Aye
25	Kamhoot	- Aye	Rygg	- Aye

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Scanlin	- Aye	Swanberg	- Aye
Schiltz	- Aye	Toole	- Aye
Siderius	- Aye	Van Buskirk	- Aye
Simon	- Aye	Vermillion	- Aye
Skari	- Aye	Wagner	- Aye
Sparks	- Aye	Ward	- Aye
Speer	- Aye	Warden	- Aye
Studer	- Abs	Wilson	- Aye
Sullivan	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-five Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Very well, section two is adopted. Section three.

CLERK HANSON: (Reading) Section three, Public School Fund Inviolate. (End reading)

Mr. President.

PRESIDENT GRAYBILL: As many as shall be in favor of section three, vote Aye; opposed, No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Mrs. Cross, for what purpose do you rise?

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DELEGATE CROSS: Mr. Chairman, I neglected to push the Aye button on time, but that is how I vote.

PRESIDENT GRAYBILL: All right, Mrs. Cross votes Aye.

Aasheim	- Aye	Cain	- Aye
Anderson, J.	- Aye	Campbell	- Aye
Anderson, O.	- Aye	Cate	- Aye
Arbanas	- Aye	Champoux	- Aye
Arness	- Aye	Choate	- Aye
Aronow	- Aye	Conover	- Aye
Artz	- Aye	Cross	- Aye
Ask	- Aye	Dahood	- Aye
Babcock	- Aye	Davis	- Aye
Barnard	- Aye	Delaney	- Abs
Bates	- Aye	Driscoll	- Aye
Belcher	- Aye	Drum	- Aye
Berg	- Aye	Eck	- Aye
Berthelson	- Abs	Erdmann	- Aye
Blaylock	- Aye	Eskildsen	- Aye
Blend	- Aye	Etchart	- Aye
Bowman	- Aye	Felt	- Abs
Brazier	- Aye	Foster	- Aye
Brown	- Aye	Furlong	- Aye
Bugbee	- Aye	Garlington	- Aye
Burkhardt	- Aye	Graybill	- Aye

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Gysler	- Aye		McNeil	- Aye
Habedank	- Aye		Melvin	- Aye
Hanson, R. S.	- Aye		Monroe	- Nay
Hanson, R.	- Aye		Murray	- Aye
Harbaugh	- Aye		Noble	- Aye
Harlow	- Aye		Nutting	- Aye
Harper	- Aye		Payne	- Aye
Harrington	- Aye		Pemberton	- Aye
Heliker	- Aye		Rebal	- Aye
Holland	- Abs		Reichert	- Aye
Jacobsen	- Abs		Robinson	- Aye
James	- Aye		Roeder	- Aye
Johnson	- Aye		Rollins	- Aye
Joyce	- Aye		Romney	- Aye
Kamhoot	- Aye		Rygg	- Aye
Kelleher	- Aye		Scanlin	- Aye
Leuthold	- Aye		Schiltz	- Aye
Loendorf	- Aye		Siderius	- Aye
Lorello	- Aye		Simon	- Aye
Mahoney	- Aye		Skari	- Aye
Mansfield	- Aye		Sparks	- Aye
Martin	- Aye		Speer	- Aye
McCarvel	- Aye		Studer	- Aye
McDonough	- Aye		Sullivan	- Aye
McKeon	- Aye		Swanberg	- Aye

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Toole	- Aye	Ward	- Aye
Van Buskirk	- Aye	Warden	- Aye
Vermillion	- Aye	Wilson	- Aye
Wagner	- Aye	Woodmansey	- Aye

CLERK HANSON: Mrs. Cross votes Aye; ninety-four Delegates voting Aye, one voting No.

PRESIDENT GRAYBILL: Very well, section three is adopted. Section four.

CLERK HANSON: (Reading) Section four, Board of Land Commissioners. (End reading)

Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section four, vote Aye; and so many as shall be opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Have all the Delegates finished changing their votes?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

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1	Aasheim	- Nay	Choate	- Aye
2	Anderson, J.	- Aye	Conover	- Aye
3	Anderson, O.	- Aye	Cross	- Aye
4	Arbanas	- Nay	Dahood	- Aye
5	Arness	- Aye	Davis	- Nay
6	Aronow	- Nay	Delaney	- Abs
7	Artz	- Aye	Driscoll	- Nay
8	Ask	- Aye	Drum	- Aye
9	Babcock	- Aye	Eck	- Aye
10	Barnard	- Abs	Erdmann	- Aye
11	Bates	- Aye	Eskildsen	- Nay
12	Belcher	- Aye	Etchart	- Aye
13	Berg	- Aye	Felt	- Abs
14	Berthelson	- Aye	Foster	- Aye
15	Blaylock	- Aye	Furlong	- Aye
16	Blend	- Aye	Garlington	- Aye
17	Bowman	- Aye	Graybill	- Nay
18	Brazier	- Aye	Gysler	- Nay
19	Brown	- Aye	Habedank	- Aye
20	Bugbee	- Aye	Hanson, R. S.	- Aye
21	Burkhardt	- Aye	Hanson, R.	- Aye
22	Cain	- Aye	Harbaugh	- Aye
23	Campbell	- Nay	Harlow	- Nay
24	Cate	- Nay	Harper	- Nay
25	Champoux	- Nay	Harrington	- Aye

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1	Heliker	- Aye	Rebal	- Nay
2	Holland	- Abs	Reichert	- Nay
3	Jacobsen	- Abs	Robinson	- Nay
4	James	- Aye	Roeder	- Nay
5	Johnson	- Aye	Rollins	- Aye
6	Joyce	- Nay	Romney	- Aye
7	Kamhoot	- Aye	Rygg	- Aye
8	Kelleher	- Nay	Scanlin	- Nay
9	Leuthold	- Aye	Schiltz	- Aye
10	Loendorf	- Aye	Siderius	- Nay
11	Lorello	- Aye	Simon	- Aye
12	Mahoney	- Nay	Skari	- Nay
13	Mansfield	- Nay	Sparks	- Nay
14	Martin	- Nay	Speer	- Aye
15	McCarvel	- Aye	Studer	- Aye
16	McDonough	- Nay	Sullivan	- Aye
17	McKeon	- Aye	Swanberg	- Aye
18	McNeil	- Aye	Toole	- Aye
19	Melvin	- Aye	Van Buskirk	- Aye
20	Monroe	- Aye	Vermillion	- Aye
21	Murray	- Nay	Wagner	- Nay
22	Noble	- Aye	Ward	- Nay
23	Nutting	- Aye	Warden	- Nay
24	Payne	- Nay	Wilson	- Aye
25	Pemberton	- Nay	Woodmansey	- Aye

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CLERK HANSON: Mr. President, sixty-two Delegates voting Aye, thirty-three voting No.

PRESIDENT GRAYBILL: Very well, section four is adopted. Section five.

CLERK HANSON: (Reading) Section five, Public School Fund Revenue. (End reading)

Mr. President, two subsections.

PRESIDENT GRAYBILL: So many as shall be in favor of section five and its subsections, vote Aye; opposed, no. Have all the delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Cast the ballot.

Aasheim	- Aye	Bates	- Aye
Anderson, J.	- Aye	Belcher	- Aye
Anderson, O.	- Aye	Berg	- Aye
Arbanas	- Aye	Berthelson	- Aye
Arness	- Aye	Blaylock	- Aye
Aronow	- Aye	Blend	- Aye
Artz	- Aye	Bowman	- Aye
Ask	- Aye	Brazier	- Aye
Babcock	- Aye	Brown	- Aye
Barnard	- Aye	Bugbee	- Aye

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1	Burkhardt	- Aye	Hanson, R.	- Aye
2	Cain	- Aye	Harbaugh	- Aye
3	Campbell	- Aye	Harlow	- Aye
4	Cate	- Aye	Harper	- Aye
5	Champoux	- Aye	Harrington	- Aye
6	Choate	- Aye	Heliker	- Aye
7	Conover	- Aye	Holland	- Abs
8	Cross	- Aye	Jacobsen	- Aye
9	Dahood	- Aye	James	- Aye
10	Davis	- Aye	Johnson	- Aye
11	Delaney	- Abs	Joyce	- Aye
12	Driscoll	- Aye	Kamhoot	- Aye
13	Drum	- Aye	Kelleher	- Aye
14	Eck	- Aye	Leuthold	- Aye
15	Erdmann	- Aye	Loendorf	- Aye
16	Eskildsen	- Aye	Lorello	- Aye
17	Etchart	- Aye	Mahoney	- Aye
18	Felt	- Abs	Mansfield	- Aye
19	Foster	- Aye	Martin	- Aye
20	Furlong	- Aye	McCarvel	- Aye
21	Garlington	- Aye	McDonough	- Aye
22	Graybill	- Aye	McKeon	- Aye
23	Gysler	- Aye	McNeil	- Aye
24	Habedank	- Aye	Melvin	- Aye
25	Hanson, R. S.	- Aye	Monroe	- Aye

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Murray	- Aye		Simon	- Aye
Noble	- Abs		Skari	- Aye
Nutting	- Aye		Sparks	- Aye
Payne	- Aye		Speer	- Aye
Pemberton	- Aye		Studer	- Aye
Rebal	- Aye		Sullivan	- Aye
Reichert	- Aye		Swanberg	- Aye
Robinson	- Aye		Toole	- Aye
Roeder	- Aye		Van Buskirk	- Aye
Rollins	- Aye		Vermillion	- Aye
Romney	- Aye		Wagner	- Aye
Rygg	- Aye		Ward	- Aye
Scanlin	- Aye		Warden	- Aye
Schiltz	- Aye		Wilson	- Aye
Siderius	- Aye		Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-six Delegates voting Aye and no Delegates voting No.

PRESIDENT GRAYBILL: Very well, section five is adopted. Section six.

CLERK HANSON: (Reading) Section six. Aid prohibited to sectarian schools. (End reading) Containing two subsections. Mr. President.

PRESIDENT GRAYBILL: As many as shall be in favor of section six and its subsections, vote Aye, opposed, No.

Mr. McNeil.

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DELEGATE McNEIL: I rise to explain my vote.

PRESIDENT GRAYBILL: Very well.

DELEGATE McNEIL: I am in favor of subsection one; I oppose subsection two, which permits tax money to be spent for church schools; I therefore must vote against the entire section.

CHAIRMAN GRAYBILL: Mr. Kelleher.

DELEGATE KELLEHER: I want to explain my vote. It's exactly the opposite of Mr. McNeil's.

CHAIRMAN GRAYBILL: Has every Delegate voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, cast the ballot.

Aasheim	- Aye	Bates	- Aye
Anderson, J.	- Aye	Belcher	- Aye
Anderson, O.	- Aye	Berg	- Aye
Arbanas	- Aye	Berthelson	- Nay
Arness	- Aye	Blaylock	- Aye
Aronow	- Aye	Blend	- Aye
Artz	- Aye	Bowman	- Aye
Ask	- Aye	Brazier	- Nay
Babcock	- Aye	Brown	- Aye
Barnard	- Nay	Bugbee	- Aye

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1	Burkhardt	- Aye	Hanson, R.	- Aye
2	Cain	- Aye	Harbaugh	- Aye
3	Campbell	- Aye	Harlow	- Aye
4	Cate	- Nay	Harper	- Aye
5	Champoux	- Aye	Harrington	- Aye
6	Choate	- Aye	Heliker	- Aye
7	Conover	- Aye	Holland	- Abs
8	Cross	- Aye	Jacobsen	- Aye
9	Dahood	- Aye	James	- Aye
10	Davis	- Aye	Johnson	- Nay
11	Delaney	- Abs	Joyce	- Aye
12	Driscoll	- Aye	Kamhoot	- Aye
13	Drum	- Aye	Kelleher	- Nay
14	Eck	- Aye	Leuthold	- Aye
15	Erdmann	- Aye	Loendorf	- Aye
16	Eskildsen	- Nay	Lorello	- Aye
17	Etchart	- Aye	Mahoney	- Nay
18	Felt	- Abs	Mansfield	- Aye
19	Foster	- Nay	Martin	- Aye
20	Furlong	- Nay	McCarvel	- Aye
21	Garlington	- Aye	McDonough	- Aye
22	Graybill	- Aye	McKeon	- Aye
23	Gysler	- Aye	McNeil	- Nay
24	Habedank	- Aye	Melvin	- Aye
25	Hanson, R. S.	- Nay	Monroe	- Nay

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Murray	- Nay	Simon	- Aye
Noble	- Aye	Skari	- Aye
Nutting	- Nay	Sparks	- Aye
Payne	- Aye	Speer	- Aye
Pemberton	- Aye	Studer	- Aye
Rebal	- Aye	Sullivan	- Aye
Reichert	- Aye	Swanberg	- Aye
Robinson	- Aye	Toole	- Aye
Roeder	- Aye	Van Buskirk	- Aye
Rollins	- Aye	Vermillion	- Aye
Romney	- Aye	Wagner	- Aye
Rygg	- Nay	Ward	- Aye
Scanlin	- Aye	Warden	- Aye
Schiltz	- Aye	Wilson	- Nay
Siderius	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, eighty Delegates voting Aye, seventeen voting No.

PRESIDENT GRAYBILL: Very well, section six is adopted. Section seven.

CLERK HANSON: (Reading) Section seven. Non-discrimination in education. (End reading) Mr. President.

PRESIDENT GRAYBILL: As many as shall be in favor of section seven, vote Aye; opposed, vote No.

Mr. McNeil.

DELEGATE McNEIL: Mr. Chairman, I rise to explain my

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vote. I support all of section seven, except the change of the word from teach to advocate, which now permits the teaching of religion in the public schools. I therefore oppose the section.

CHAIRMAN GRAYBILL: Mr. Anderson.

DELEGATE O. ANDERSON: I rise to explain my vote, because I do not like the change from taught to advocate.

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, take the ballot.

Aasheim	- Aye	Blaylock	- Aye
Anderson, J.	- Aye	Blend	- Aye
Anderson, O.	- Nay	Bowman	- Aye
Arbanas	- Aye	Brazier	- Nay
Arness	- Aye	Brown	- Aye
Aronow	- Aye	Bugbee	- Aye
Artz	- Aye	Burkhardt	- Aye
Ask	- Aye	Cain	- Aye
Babcock	- Aye	Campbell	- Aye
Barnard	- Nay	Cate	- Aye
Bates	- Aye	Champoux	- Aye
Belcher	- Aye	Choate	- Aye
Berg	- Aye	Conover	- Aye
Berthelson	- Aye	Cross	- Aye

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1	Dahood	- Aye	James	- Aye
2	Davis	- Aye	Johnson	- Aye
3	Delaney	- Abs	Joyce	- Aye
4	Driscoll	- Aye	Kamhoot	- Aye
5	Drum	- Aye	Kelleher	- Aye
6	Eck	- Aye	Leuthold	- Aye
7	Erdmann	- Nay	Loendorf	- Aye
8	Eskildsen	- Nay	Lorello	- Aye
9	Etchart	- Aye	Mahoney	- Aye
10	Felt	- Abs	Mansfield	- Aye
11	Foster	- Aye	Martin	- Aye
12	Furlong	- Aye	McCarvel	- Aye
13	Garlington	- Aye	McDonough	- Aye
14	Graybill	- Aye	McKeon	- Aye
15	Gysler	- Aye	McNeil	- Nay
16	Habedank	- Aye	Melvin	- Aye
17	Hanson, R. S.	- Aye	Monroe	- Aye
18	Hanson, R.	- Aye	Murray	- Aye
19	Harbaugh	- Nay	Noble	- Aye
20	Harlow	- Aye	Nutting	- Nay
21	Harper	- Aye	Payne	- Aye
22	Harrington	- Aye	Pemberton	- Aye
23	Heliker	- Aye	Rebal	- Aye
24	Holland	- Aye	Reichert	- Aye
25	Jacobsen	- Aye	Robinson	- Aye

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Roeder	- Aye	Studer	- Nay
Rollins	- Aye	Sullivan	- Aye
Romney	- Aye	Swanberg	- Aye
Rygg	- Aye	Toole	- Aye
Scanlin	- Aye	Van Buskirk	- Aye
Schiltz	- Aye	Vermillion	- Aye
Siderius	- Aye	Wagner	- Aye
Simon	- Aye	Ward	- Aye
Skari	- Aye	Warden	- Aye
Sparks	- Aye	Wilson	- Aye
Speer	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, eighty-nine Delegates voting Aye, nine voting No.

PRESIDENT GRAYBILL: Very well, section seven is adopted. Section eight.

CLERK HANSON: (Reading) Section eight. School district trustees. (End reading) Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section eight, vote Aye, opposed vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

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1	Aasheim	- Aye	Choate	- Aye
2	Anderson, J.	- Aye	Conover	- Aye
3	Anderson, O.	- Aye	Cross	- Aye
4	Arbanas	- Aye	Dahood	- Aye
5	Arness	- Aye	Davis	- Aye
6	Aronow	- Aye	Delaney	- Abs
7	Artz	- Aye	Driscoll	- Aye
8	Ask	- Aye	Drum	- Aye
9	Babcock	- Aye	Eck	- Aye
10	Barnard	- Aye	Erdmann	- Aye
11	Bates	- Aye	Eskildsen	- Aye
12	Belcher	- Aye	Etchart	- Aye
13	Berg	- Aye	Felt	- Abs
14	Berthelson	- Aye	Foster	- Aye
15	Blaylock	- Aye	Furlong	- Aye
16	Blend	- Aye	Garlington	- Aye
17	Bowman	- Aye	Graybill	- Abs
18	Brazier	- Nay	Gysler	- Aye
19	Brown	- Aye	Habedank	- Aye
20	Bugbee	- Aye	Hanson, R. S.	- Aye
21	Burkhardt	- Aye	Hanson, R.	- Aye
22	Cain	- Aye	Harbaugh	- Aye
23	Campbell	- Aye	Harlow	- Aye
24	Cate	- Aye	Harper	- Aye
25	Champoux	- Aye	Harrington	- Aye

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Heliker	- Aye		Rebal	- Aye
Holland	- Aye		Reichert	- Aye
Jacobsen	- Aye		Robinson	- Aye
James	- Aye		Roeder	- Aye
Johnson	- Aye		Rollins	- Aye
Joyce	- Aye		Romney	- Aye
Kamhoot	- Aye		Rygg	- Aye
Kelleher	- Aye		Scanlin	- Aye
Leuthold	- Aye		Schiltz	- Aye
Loendorf	- Aye		Siderius	- Aye
Lorello	- Aye		Simon	- Aye
Mahoney	- Aye		Skari	- Aye
Mansfield	- Aye		Sparks	- Aye
Martin	- Aye		Speer	- Aye
McCarvel	- Aye		Studer	- Aye
McDonough	- Aye		Sullivan	- Aye
McKeon	- Aye		Swanberg	- Aye
McNeil	- Aye		Toole	- Aye
Melvin	- Aye		Van Buskirk	- Aye
Monroe	- Aye		Vermillion	- Aye
Murray	- Aye		Wagner	- Aye
Noble	- Aye		Ward	- Aye
Nutting	- Aye		Warden	- Aye
Payne	- Aye		Wilson	- Aye
Pemberton	- Aye		Woodmansey	- Aye

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CLERK HANSON: Mr. President, ninety-six Delegates voting Aye, one voting No.

PRESIDENT GRAYBILL: Very well, section eight is adopted. Section nine.

CLERK HANSON: (Reading) Section nine. Boards of education. (End reading) Containing three subsections. Mr. President.

PRESIDENT GRAYBILL: As many as shall be in favor of section nine and all three subsections, vote Aye, opposed vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Nay	Bates	- Nay
Anderson, J.	- Nay	Belcher	- Nay
Anderson, O.	- Nay	Berg	- Aye
Arbanas	- Aye	Berthelson	- Nay
Arness	- Nay	Blaylock	- Aye
Aronow	- Nay	Blend	- Aye
Artz	- Nay	Bowman	- Aye
Ask	- Nay	Brazier	- Nay
Babcock	- Nay	Brown	- Aye
Barnard	- Nay	Bugbee	- Aye

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1	Burkhardt	- Aye	Hanson, R.	- Nay
2	Cain	- Aye	Harbaugh	- Aye
3	Campbell	- Aye	Harlow	- Aye
4	Cate	- Aye	Harper	- Aye
5	Champoux	- Aye	Harrington	- Aye
6	Choate	- Aye	Heliker	- Aye
7	Conover	- Aye	Holland	- Aye
8	Cross	- Aye	Jacobsen	- Aye
9	Dahood	- Aye	James	- Aye
10	Davis	- Aye	Johnson	- Nay
11	Delaney	- Abs	Joyce	- Nay
12	Driscoll	- Nay	Kamhoot	- Nay
13	Drum	- Aye	Kelleher	- Aye
14	Eck	- Aye	Leuthold	- Aye
15	Erdmann	- Nay	Loendorf	- Aye
16	Eskildsen	- Nay	Lorello	- Aye
17	Etchart	- Nay	Mahoney	- Nay
18	Felt	- Abs	Mansfield	- Nay
19	Foster	- Aye	Martin	- Nay
20	Furlong	- Aye	McCarvel	- Aye
21	Garlington	- Aye	McDonough	- Nay
22	Graybill	- Aye	McKeon	- Aye
23	Gysler	- Nay	McNeil	- Nay
24	Habedank	- Aye	Melvin	- Aye
25	Hanson, R. S.	- Nay	Monroe	- Aye

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Murray	- Aye	Simon	- Aye
Noble	- Aye	Skari	- Aye
Nutting	- Nay	Sparks	- Aye
Payne	- Aye	Speer	- Aye
Pemberton	- Aye	Studer	- Nay
Rebal	- Nay	Sullivan	- Nay
Reichert	- Aye	Swanberg	- Aye
Robinson	- Aye	Toole	- Aye
Roeder	- Aye	Van Buskirk	- Aye
Rollins	- Aye	Vermillion	- Aye
Romney	- Nay	Wagner	- Nay
Rygg	- Nay	Ward	- Nay
Scanlin	- Aye	Warden	- Nay
Schiltz	- Aye	Wilson	- Nay
Siderius	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, sixty Delegates voting Aye, thirty-eight voting No.

PRESIDENT GRAYBILL: Sixty voting Aye, thirty-eight voting No, section nine is adopted. Section ten.

CLERK HANSON: (Reading) Section ten. State university funds. (End reading) Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section ten, which you will find on page five, vote Aye on the voting machines, opposed vote No. Has every Delegate voted?

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(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Take the ballot.

Aasheim	- Aye	Burkhardt	- Aye
Anderson, J.	- Nay	Cain	- Aye
Anderson, O.	- Aye	Campbell	- Aye
Arbanas	- Aye	Cate	- Aye
Arness	- Aye	Champoux	- Aye
Aronow	- Aye	Choate	- Aye
Artz	- Aye	Conover	- Aye
Ask	- Aye	Cross	- Aye
Babcock	- Aye	Dahood	- Aye
Barnard	- Aye	Davis	- Aye
Bates	- Aye	Delaney	- Abs
Belcher	- Aye	Driscoll	- Nay
Berg	- Aye	Drum	- Abs
Berthelson	- Aye	Eck	- Aye
Blaylock	- Aye	Erdmann	- Aye
Blend	- Aye	Eskildsen	- Nay
Bowman	- Aye	Etchart	- Aye
Brazier	- Nay	Felt	- Abs
Brown	- Aye	Foster	- Aye
Bugbee	- Aye	Furlong	- Aye

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1	Garlington	- Aye	McDonough	- Aye
2	Graybill	- Aye	McKeon	- Aye
3	Gysler	- Aye	McNeil	- Aye
4	Habedank	- Aye	Melvin	- Aye
5	Hanson, R. S.	- Nay	Monroe	- Aye
6	Hanson, R.	- Aye	Murray	- Aye
7	Harbaugh	- Aye	Noble	- Aye
8	Harlow	- Aye	Nutting	- Aye
9	Harper	- Aye	Payne	- Aye
10	Harrington	- Aye	Pemberton	- Aye
11	Heliker	- Aye	Rebal	- Aye
12	Holland	- Abs	Reichert	- Aye
13	Jacobsen	- Aye	Robinson	- Aye
14	James	- Aye	Roeder	- Aye
15	Johnson	- Aye	Rollins	- Aye
16	Joyce	- Aye	Romney	- Aye
17	Kamhoot	- Aye	Rygg	- Aye
18	Kelleher	- Aye	Scanlin	- Aye
19	Leuthold	- Aye	Schiltz	- Aye
20	Loendorf	- Abs	Siderius	- Aye
21	Lorello	- Aye	Simon	- Aye
22	Mahoney	- Nay	Skari	- Aye
23	Mansfield	- Aye	Sparks	- Aye
24	Martin	- Aye	Speer	- Aye
25	McCarvel	- Aye	Studer	- Aye

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Sullivan	- Aye	Wagner	- Aye
Swanberg	- Aye	Ward	- Aye
Toole	- Aye	Warden	- Aye
Van Buskirk	- Aye	Wilson	- Nay
Vermillion	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, eighty-eight Delegates voting Aye, seven voting No.

PRESIDENT GRAYBILL: Very well, section ten is adopted. If you will turn the page to an unnumbered page, you will find the article on Public Lands. Will the Clerk read the title and section number.

CLERK HANSON: (Reading) Order of Business Number Five, Final Consideration, Style and Drafting, Public Lands, number ten. Article, Public Lands, section one. Public land trust, disposition. (End reading) Containing four subsections. Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section one and all its subsections, vote Aye, opposed vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, cast the ballot.

Aasheim	- Aye	Anderson, J.	- Aye

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1	Anderson, O.	- Aye	Cross	- Aye
2	Arbanas	- Aye	Dahood	- Aye
3	Arness	- Aye	Davis	- Aye
4	Aronow	- Aye	Delaney	- Abs
5	Artz	- Aye	Driscoll	- Aye
6	Ask	- Aye	Drum	- Aye
7	Babcock	- Aye	Eck	- Aye
8	Barnard	- Aye	Erdmann	- Aye
9	Bates	- Aye	Eskildsen	- Aye
10	Belcher	- Aye	Etchart	- Aye
11	Berg	- Aye	Felt	- Abs
12	Berthelson	- Aye	Foster	- Aye
13	Blaylock	- Aye	Furlong	- Aye
14	Blend	- Aye	Garlington	- Aye
15	Bowman	- Aye	Graybill	- Aye
16	Brazier	- Aye	Gysler	- Aye
17	Brown	- Aye	Habedank	- Aye
18	Bugbee	- Aye	Hanson, R. S.	- Aye
19	Burkhardt	- Aye	Hanson, R.	- Aye
20	Cain	- Aye	Harbaugh	- Aye
21	Campbell	- Aye	Harlow	- Aye
22	Cate	- Aye	Harper	- Aye
23	Champoux	- Aye	Harrington	- Aye
24	Choate	- Aye	Heliker	- Aye
25	Conover	- Aye	Holland	- Abs

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Jacobsen	- Aye		Reichert	- Aye
James	- Aye		Robinson	- Aye
Johnson	- Aye		Roeder	- Aye
Joyce	- Aye		Rollins	- Aye
Kamhoot	- Aye		Romney	- Aye
Kelleher	- Aye		Rygg	- Aye
Leuthold	- Aye		Scanlin	- Aye
Loendorf	- Aye		Schiltz	- Aye
Lorello	- Aye		Siderius	- Aye
Mahoney	- Aye		Simon	- Aye
Mansfield	- Aye		Skari	- Aye
Martin	- Aye		Sparks	- Aye
McCarvel	- Aye		Speer	- Aye
McDonough	- Aye		Studer	- Aye
McKeon	- Aye		Sullivan	- Aye
McNeil	- Aye		Swanberg	- Aye
Melvin	- Aye		Toole	- Aye
Monroe	- Aye		Van Buskirk	- Aye
Murray	- Aye		Vermillion	- Aye
Noble	- Aye		Wagner	- Aye
Nutting	- Aye		Ward	- Aye
Payne	- Aye		Warden	- Aye
Pemberton	- Aye		Wilson	- Aye
Rebal	- Aye		Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-seven Delegates

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voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Very well. You have adopted the Public Lands Article, and we're finished with the Articles on Education and Public Lands. If you will take the Public Health, Welfare, Labor and Industry Article, placed before you this morning, we will take final adoption of Public Health, Welfare, Labor and Industry Article. Is there anyone who doesn't have the article? (No response) Very well, will the Clerk read the title and the first section of the article on non-municipal corporations.

CLERK HANSON: (Reading) Order of Business Number Five, Final Consideration, Style and Drafting, Public Health, Welfare, Labor and Industry, number nine. Article, Non-municipal Corporations, section one. Limitation of powers. (End reading) Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section one, Limitation of powers of the Non-municipal Corporations Article, Public Health report number nine, please vote Aye on the voting machines; opposed vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, take the ballot.

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1	Aasheim	- Aye	Choate	- Aye
2	Anderson, J.	- Aye	Conover	- Aye
3	Anderson, O.	- Aye	Cross	- Aye
4	Arbanas	- Aye	Dahood	- Aye
5	Arness	- Aye	Davis	- Aye
6	Aronow	- Aye	Delaney	- Abs
7	Artz	- Aye	Driscoll	- Aye
8	Ask	- Aye	Drum	- Aye
9	Babcock	- Aye	Eck	- Aye
10	Barnard	- Aye	Erdmann	- Aye
11	Bates	- Aye	Eskildsen	- Aye
12	Belcher	- Aye	Etchart	- Aye
13	Berg	- Aye	Felt	- Abs
14	Berthelson	- Aye	Foster	- Aye
15	Blaylock	- Aye	Furlong	- Aye
16	Blend	- Aye	Garlington	- Aye
17	Bowman	- Aye	Graybill	- Aye
18	Brazier	- Nay	Gysler	- Aye
19	Brown	- Aye	Habedank	- Aye
20	Bugbee	- Aye	Hanson, R. S.	- Aye
21	Burkhardt	- Aye	Hanson, R.	- Aye
22	Cain	- Aye	Harbaugh	- Aye
23	Campbell	- Aye	Harlow	- Aye
24	Cate	- Aye	Harper	- Aye
25	Champoux	- Aye	Harrington	- Aye

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1	Heliker	- Aye	Rebal	- Aye
2	Holland	- Abs	Reichert	- Aye
3	Jacobsen	- Aye	Robinson	- Aye
4	James	- Aye	Roeder	- Aye
5	Johnson	- Aye	Rollins	- Aye
6	Joyce	- Aye	Romney	- Aye
7	Kamhoot	- Aye	Rygg	- Aye
8	Kelleher	- Aye	Scanlin	- Nay
9	Leuthold	- Aye	Schiltz	- Aye
10	Loendorf	- Aye	Siderius	- Aye
11	Lorello	- Aye	Simon	- Aye
12	Mahoney	- Aye	Skari	- Aye
13	Mansfield	- Aye	Sparks	- Aye
14	Martin	- Aye	Speer	- Aye
15	McCarvel	- Aye	Studer	- Aye
16	McDonough	- Aye	Sullivan	- Aye
17	McKeon	- Aye	Swanberg	- Nay
18	McNeil	- Aye	Toole	- Aye
19	Melvin	- Aye	Van Buskirk	- Aye
20	Monroe	- Aye	Vermillion	- Aye
21	Murray	- Aye	Wagner	- Aye
22	Noble	- Aye	Ward	- Aye
23	Nutting	- Aye	Warden	- Aye
24	Payne	- Aye	Wilson	- Aye
25	Pemberton	- Abs	Woodmansey	- Aye

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CLERK HANSON: Mr. President, ninety-three Delegates voting Aye, three voting No.

PRESIDENT GRAYBILL: Very well, section one is adopted. Section two.

CLERK HANSON: (Reading) Section two, Protection for citizenry. (End reading) Mr. President.

PRESIDENT GRAYBILL: As many as shall be in favor of section two, vote Aye on the voting machines, opposed vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, cast the ballot.

Aasheim	- Aye	Belcher	- Aye
Anderson, J.	- Aye	Berg	- Aye
Anderson, O.	- Aye	Berthelson	- Aye
Arbanas	- Aye	Blaylock	- Aye
Arness	- Aye	Blend	- Aye
Arnonow	- Aye	Bowman	- Aye
Artz	- Aye	Brazier	- Nay
Ask	- Aye	Brown	- Nay
Babcock	- Aye	Bugbee	- Aye
Barnard	- Aye	Burkhardt	- Aye
Bates	- Aye	Cain	- Aye

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1	Campbell	- Aye	Harlow	- Aye
2	Cate	- Aye	Harper	- Aye
3	Champoux	- Aye	Harrington	- Aye
4	Choate	- Aye	Heliker	- Abs
5	Conover	- Aye	Holland	- Abs
6	Cross	- Aye	Jacobsen	- Aye
7	Dahood	- Aye	James	- Aye
8	Davis	- Aye	Johnson	- Nay
9	Delaney	- Abs	Joyce	- Nay
10	Driscoll	- Aye	Kamhoot	- Aye
11	Drum	- Aye	Kelleher	- Aye
12	Eck	- Aye	Leuthold	- Aye
13	Erdmann	- Aye	Loendorf	- Aye
14	Eskildsen	- Aye	Lorello	- Aye
15	Etchart	- Aye	Mahoney	- Aye
16	Felt	- Abs	Mansfield	- Aye
17	Foster	- Aye	Martin	- Aye
18	Furlong	- Aye	McCarvel	- Aye
19	Garlington	- Aye	McDonough	- Aye
20	Graybill	- Aye	McKeon	- Aye
21	Gysler	- Nay	McNeil	- Aye
22	Habedank	- Aye	Melvin	- Aye
23	Hanson, R. S.	- Aye	Monroe	- Aye
24	Hanson, R.	- Aye	Murray	- Aye
25	Harbaugh	- Aye	Noble	- Aye

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Nutting	- Aye	Skari	- Aye
Payne	- Aye	Sparks	- Aye
Pemberton	- Abs	Speer	- Aye
Rebal	- Aye	Studer	- Aye
Reichert	- Aye	Sullivan	- Aye
Robinson	- Aye	Swanberg	- Nay
Roeder	- Aye	Toole	- Abs
Rollins	- Aye	Van Buskirk	- Aye
Romney	- Aye	Vermillion	- Aye
Rygg	- Aye	Wagner	- Aye
Scanlin	- Aye	Ward	- Aye
Schiltz	- Aye	Warden	- Aye
Siderius	- Aye	Wilson	- Aye
Simon	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, eighty-eight Delegates voting Aye, six voting No.

PRESIDENT GRAYBILL: Eighty-eight having voted Aye, section two is adopted. Section three.

CLERK HANSON: (Reading) Section three, Retrospective law prohibition. (End reading) Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section three vote Aye on the voting machine, opposed vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change

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his vote?

(No response)

PRESIDENT GRAYBILL: Very well, cast the ballot.

Aasheim	- Nay	Campbell	- Aye
Anderson, J.	- Aye	Cate	- Nay
Anderson, O.	- Aye	Champoux	- Aye
Arbanas	- Aye	Choate	- Aye
Arness	- Aye	Conover	- Aye
Aronow	- Aye	Cross	- Aye
Artz	- Abs	Dahood	- Aye
Ask	- Nay	Davis	- Aye
Babcock	- Nay	Delaney	- Abs
Barnard	- Aye	Driscoll	- Aye
Bates	- Aye	Drum	- Aye
Belcher	- Nay	Eck	- Aye
Berg	- Nay	Erdmann	- Aye
Berthelson	- Nay	Eskildsen	- Aye
Blaylock	- Aye	Etchart	- Aye
Blend	- Aye	Felt	- Abs
Bowman	- Aye	Foster	- Nay
Brazier	- Aye	Furlong	- Aye
Brown	- Nay	Garlington	- Aye
Bugbee	- Nay	Graybill	- Aye
Burkhardt	- Aye	Gysler	- Nay
Cain	- Aye	Habedank	- Nay

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1	Hanson, R. S.	- Aye	Monroe	- Aye
2	Hanson, R.	- Aye	Murray	- Nay
3	Harbaugh	- Aye	Noble	- Aye
4	Harlow	- Aye	Nutting	- Aye
5	Harper	- Aye	Payne	- Aye
6	Harrington	- Aye	Pemberton	- Aye
7	Heliker	- Aye	Rebal	- Nay
8	Holland	- Abs	Reichert	- Aye
9	Jacobsen	- Aye	Robinson	- Aye
10	James	- Aye	Roeder	- Nay
11	Johnson	- Aye	Rollins	- Aye
12	Joyce	- Aye	Romney	- Aye
13	Kamhoot	- Aye	Rygg	- Aye
14	Kelleher	- Aye	Scanlin	- Nay
15	Leuthold	- Aye	Schiltz	- Abs
16	Loendorf	- Aye	Siderius	- Nay
17	Lorello	- Aye	Simon	- Aye
18	Mahoney	- Aye	Skari	- Nay
19	Mansfield	- Aye	Sparks	- Aye
20	Martin	- Aye	Speer	- Aye
21	McCarvel	- Aye	Studer	- Aye
22	McDonough	- Nay	Sullivan	- Aye
23	McKeon	- Aye	Swanberg	- Nay
24	McNeil	- Aye	Toole	- Aye
25	Melvin	- Aye	Van Buskirk	- Aye

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Vermillion	- Aye	Warden	- Aye
Wagner	- Aye	Wilson	- Aye
Ward	- Aye	Woodmansey	- Nay

CLERK HANSON: Mr. President, seventy-four Delegates voting Aye, twenty-one voting No.

PRESIDENT GRAYBILL: Very well, section three is adopted. If you will turn to page two, we'll take the article on Labor. Will the Clerk read the title and the first section?

CLERK HANSON: (Reading) Order of Business Number Five, Final Consideration, Style and Drafting, Public Health, Welfare, Labor and Industry, number nine, Article, Labor, section one, Department and commissioner. (End reading) Mr. President.

PRESIDENT GRAYBILL: Very well, so many as shall be in favor of section one, the Labor article, vote Aye on the voting machine; so many as shall be opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Take the ballot.

Aasheim	- Aye	Arbanas	- Nay
Anderson, J.	- Aye	Arness	- Aye
Anderson, O.	- Aye	Aronow	- Aye

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1	Artz	- Aye	Driscoll	- Aye
2	Ask	- Aye	Drum	- Aye
3	Babcock	- Aye	Eck	- Aye
4	Barnard	- Aye	Erdmann	- Aye
5	Bates	- Aye	Eskildsen	- Aye
6	Belcher	- Aye	Etchart	- Aye
7	Berg	- Aye	Felt	- Abs
8	Berthelson	- Aye	Foster	- Aye
9	Blaylock	- Aye	Furlong	- Aye
10	Blend	- Aye	Garlington	- Aye
11	Bowman	- Nay	Graybill	- Aye
12	Brazier	- Aye	Gysler	- Aye
13	Brown	- Nay	Habedank	- Aye
14	Bugbee	- Nay	Hanson, R. S.	- Aye
15	Burkhardt	- Aye	Hanson, R.	- Aye
16	Cain	- Aye	Harbaugh	- Aye
17	Campbell	- Aye	Harlow	- Aye
18	Cate	- Aye	Harper	- Aye
19	Champoux	- Aye	Harrington	- Aye
20	Choate	- Aye	Heliker	- Aye
21	Conover	- Aye	Holland	- Abs
22	Cross	- Aye	Jacobsen	- Aye
23	Dahood	- Aye	James	- Aye
24	Davis	- Aye	Johnson	- Aye
25	Delaney	- Abs	Joyce	- Aye

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Kamhoot	- Aye		Roeder	- Aye
Kelleher	- Aye		Rollins	- Aye
Leuthold	- Aye		Romney	- Aye
Loendorf	- Aye		Rygg	- Aye
Lorello	- Aye		Scanlin	- Aye
Mahoney	- Aye		Schiltz	- Aye
Mansfield	- Aye		Siderius	- Aye
Martin	- Aye		Simon	- Aye
McCarvel	- Aye		Skari	- Aye
McDonough	- Aye		Sparks	- Aye
McKeon	- Aye		Speer	- Nay
McNeil	- Aye		Studer	- Aye
Melvin	- Aye		Sullivan	- Aye
Monroe	- Nay		Swanberg	- Aye
Murray	- Aye		Toole	- Abs
Noble	- Aye		Van Buskirk	- Aye
Nutting	- Aye		Vermillion	- Aye
Payne	- Aye		Wagner	- Aye
Pemberton	- Aye		Ward	- Aye
Rebal	- Aye		Warden	- Aye
Reichert	- Aye		Wilson	- Aye
Robinson	- Aye		Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety Delegates voting Aye, six voting No.

PRESIDENT GRAYBILL: Very well, section one is

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adopted. Section two.

CLERK HANSON: (Reading) Section two, Eight-hour day. (End reading) Mr. President.

PRESIDENT GRAYBILL: All those in favor of section two, vote Aye on the voting machine; as many as shall be opposed, vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, take the ballot.

Aasheim	- Aye	Blaylock	- Aye
Anderson, J.	- Nay	Blend	- Aye
Anderson, O.	- Nay	Bowman	- Nay
Arbanas	- Aye	Brazier	- Aye
Arness	- Aye	Brown	- Nay
Aronow	- Aye	Bugbee	- Nay
Artz	- Aye	Burkhardt	- Aye
Ask	- Nay	Cain	- Aye
Babcock	- Aye	Campbell	- Nay
Barnard	- Aye	Cate	- Aye
Bates	- Aye	Champoux	- Aye
Belcher	- Aye	Choate	- Aye
Berg	- Aye	Conover	- Aye
Berthelson	- Nay	Cross	- Aye

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1	Dahood	- Aye	James	- Aye
2	Davis	- Nay	Johnson	- Aye
3	Delaney	- Abs	Joyce	- Aye
4	Driscoll	- Aye	Kamhoot	- Nay
5	Drum	- Nay	Kelleher	- Aye
6	Eck	- Nay	Leuthold	- Aye
7	Erdmann	- Nay	Loendorf	- Nay
8	Eskildsen	- Nay	Lorello	- Aye
9	Etchart	- Aye	Mahoney	- Aye
10	Felt	- Abs	Mansfield	- Aye
11	Foster	- Nay	Martin	- Aye
12	Furlong	- Aye	McCarvel	- Aye
13	Garlington	- Aye	McDonough	- Aye
14	Graybill	- Aye	McKeon	- Aye
15	Gysler	- Aye	McNeil	- Aye
16	Habedank	- Nay	Melvin	- Aye
17	Hanson, R. S.	- Nay	Monroe	- Nay
18	Hanson, R.	- Aye	Murray	- Nay
19	Harbaugh	- Aye	Noble	- Aye
20	Harlow	- Aye	Nutting	- Aye
21	Harper	- Aye	Payne	- Aye
22	Harrington	- Aye	Pemberton	- Aye
23	Heliker	- Aye	Rebal	- Aye
24	Holland	- Abs	Reichert	- Aye
25	Jacobsen	- Nay	Robinson	- Aye

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Roeder	- Aye	Studer	- Nay
Rollins	- Aye	Sullivan	- Aye
Romney	- Aye	Swanberg	- Nay
Rygg	- Aye	Toole	- Aye
Scanlin	- Nay	Van Buskirk	- Aye
Schiltz	- Aye	Vermillion	- Aye
Siderius	- Aye	Wagner	- Aye
Simon	- Aye	Ward	- Aye
Skari	- Aye	Warden	- Aye
Sparks	- Aye	Wilson	- Nay
Speer	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, seventy-two Delegates voting Aye, twenty-five voting No.

PRESIDENT GRAYBILL: Very well, section two is adopted. If you will turn to page three, we will do the article on Institution and Assistance. Will the Clerk please read the title and the first section of this article?

CLERK HANSON: (Reading) Order of Business Number Five, Final Consideration, Style and Drafting, Public Health, Welfare, Labor and Industry, number nine, Article, Institutions and Assistance, section one, Institutions. (End reading) Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section one of the Article on Institutions and Assistance, page three, please vote Aye on the voting machine, opposed vote

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no. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, close the ballot.

Aasheim	- Aye	Bugbee	- Nay
Anderson, J.	- Aye	Burkhardt	- Aye
Anderson, O.	- Aye	Cain	- Aye
Arbanas	- Aye	Campbell	- Aye
Arness	- Aye	Cate	- Aye
Aronow	- Aye	Champoux	- Aye
Artz	- Aye	Choate	- Aye
Ask	- Aye	Conover	- Aye
Babcock	- Aye	Cross	- Aye
Barnard	- Aye	Dahood	- Aye
Bates	- Aye	Davis	- Aye
Belcher	- Aye	Delaney	- Abs
Berg	- Aye	Driscoll	- Aye
Berthelson	- Aye	Drum	- Aye
Blaylock	- Aye	Eck	- Aye
Blend	- Aye	Erdmann	- Aye
Bowman	- Nay	Eskildsen	- Aye
Brazier	- Nay	Etchart	- Aye
Brown	- Nay	Felt	- Abs

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Foster	- Aye	Martin	- Aye
Furlong	- Aye	McCarvel	- Aye
Garlington	- Aye	McDonough	- Aye
Graybill	- Aye	McKeon	- Aye
Gysler	- Aye	McNeil	- Aye
Habedank	- Nay	Melvin	- Aye
Hanson, R. S.	- Aye	Monroe	- Aye
Hanson, R.	- Aye	Murray	- Aye
Harbaugh	- Aye	Noble	- Aye
Harlow	- Aye	Nutting	- Aye
Harper	- Aye	Payne	- Aye
Harrington	- Aye	Pemberton	- Aye
Heliker	- Aye	Rebal	- Aye
Holland	- Abs	Reichert	- Aye
Jacobsen	- Aye	Robinson	- Aye
James	- Aye	Roeder	- Aye
Johnson	- Aye	Rollins	- Aye
Joyce	- Aye	Romney	- Aye
Kamhoot	- Aye	Rygg	- Aye
Kelleher	- Aye	Scanlin	- Aye
Leuthold	- Aye	Schiltz	- Abs
Loendorf	- Abs	Siderius	- Aye
Lorello	- Aye	Simon	- Aye
Mahoney	- Aye	Skari	- Nay
Mansfield	- Aye	Sparks	- Aye

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Speer	- Aye	Vermillion	- Aye
Studer	- Aye	Wagner	- Aye
Sullivan	- Aye	Ward	- Aye
Swanberg	- Nay	Warden	- Aye
Toole	- Abs	Wilson	- Aye
Van Buskirk	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, eighty-seven Delegates voting Aye, seven voting No.

PRESIDENT GRAYBILL: Very well, section one is adopted. Section two.

CLERK HANSON: (Reading) Section two, Restoration of rights. (End reading) Mr. President.

PRESIDENT GRAYBILL: So many as shall be in favor of section two vote Aye, as many as shall be opposed vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: Very well, close the ballot.

Aasheim	- Aye	Aronow	- Aye
Anderson, J.	- Aye	Artz	- Aye
Anderson, O.	- Aye	Ask	- Aye
Arbanas	- Aye	Babcock	- Aye
Arness	- Aye	Barnard	- Aye

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1	Bates	- Aye	Eskildsen	- Aye
2	Belcher	- Aye	Etchart	- Aye
3	Berg	- Aye	Felt	- Abs
4	Berthelson	- Aye	Foster	- Aye
5	Blaylock	- Aye	Furlong	- Aye
6	Blend	- Aye	Garlington	- Aye
7	Bowman	- Aye	Graybill	- Aye
8	Brazier	- Aye	Gysler	- Aye
9	Brown	- Aye	Habedank	- Aye
10	Bugbee	- Aye	Hanson, R. S.	- Aye
11	Burkhardt	- Aye	Hanson, R.	- Aye
12	Cain	- Aye	Harbaugh	- Aye
13	Campbell	- Aye	Harlow	- Aye
14	Cate	- Aye	Harper	- Aye
15	Champoux	- Aye	Harrington	- Aye
16	Choate	- Aye	Heliker	- Aye
17	Conover	- Aye	Holland	- Abs
18	Cross	- Aye	Jacobsen	- Aye
19	Dahood	- Aye	James	- Aye
20	Davis	- Aye	Johnson	- Aye
21	Delaney	- Abs	Joyce	- Aye
22	Driscoll	- Aye	Kamhoot	- Aye
23	Drum	- Aye	Kelleher	- Aye
24	Eck	- Aye	Leuthold	- Aye
25	Erdmann	- Aye	Loendorf	- Aye

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Lorello	- Aye	Romney	- Aye
Mahoney	- Aye	Rygg	- Aye
Mansfield	- Aye	Scanlin	- Abs
Martin	- Aye	Schiltz	- Abs
McCarvel	- Aye	Siderius	- Aye
McDonough	- Aye	Simon	- Aye
McKeon	- Aye	Skari	- Aye
McNeil	- Aye	Sparks	- Aye
Melvin	- Aye	Speer	- Aye
Monroe	- Aye	Studer	- Aye
Murray	- Aye	Sullivan	- Aye
Noble	- Aye	Swanberg	- Aye
Nutting	- Aye	Toole	- Aye
Payne	- Aye	Van Buskirk	- Aye
Pemberton	- Aye	Vermillion	- Aye
Rebal	- Aye	Wagner	- Aye
Reichert	- Aye	Ward	- Aye
Robinson	- Aye	Warden	- Aye
Roeder	- Aye	Wilson	- Aye
Rollins	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. President, ninety-five Delegates voting Aye, no Delegates voting No.

PRESIDENT GRAYBILL: Very well, section two has been adopted. Section three.

CLERK HANSON: (Reading) Section three, Assistance.

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(End reading) Mr. President.

CHAIRMAN GRAYBILL: So many as shall be in favor of section three of the Institutions and Assistance Article, vote Aye, so many as are opposed vote No. Has every Delegate voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, cast the ballot.

Aasheim	- Nay	Blend	- Aye
Anderson, J.	- Nay	Bowman	- Nay
Anderson, O.	- Nay	Brazier	- Nay
Arbanas	- Aye	Brown	- Aye
Arness	- Aye	Bugbee	- Aye
Aronow	- Nay	Burkhardt	- Aye
Artz	- Aye	Cain	- Aye
Ask	- Aye	Campbell	- Aye
Babcock	- Aye	Cate	- Aye
Barnard	- Aye	Champoux	- Aye
Bates	- Aye	Choate	- Aye
Belcher	- Aye	Conover	- Aye
Berg	- Aye	Cross	- Aye
Berthelson	- Aye	Dahood	- Aye
Blaylock	- Aye	Davis	- Aye

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1	Delaney	- Abs	Joyce	- Aye
2	Driscill	- Aye	Kamhoot	- Nay
3	Drum	- Aye	Kelleher	- Aye
4	Eck	- Aye	Leuthold	- Aye
5	Erdmann	- Aye	Loendorf	- Aye
6	Eskildsen	- Nay	Lorello	- Aye
7	Etchart	- Nay	Mahoney	- Aye
8	Felt	- Abs	Mansfield	- Aye
9	Foster	- Aye	Martin	- Aye
10	Furlong	- Aye	McCarvel	- Aye
11	Garlington	- Aye	McDonough	- Aye
12	Graybill	- Aye	McKeon	- Aye
13	Gysler	- Nay	McNeil	- Nay
14	Habedank	- Aye	Melvin	- Aye
15	Hanson, R. S.	- Aye	Monroe	- Aye
16	Hanson, R.	- Aye	Murray	- Aye
17	Harbaugh	- Aye	Noble	- Aye
18	Harlow	- Aye	Nutting	- Nay
19	Harper	- Aye	Payne	- Aye
20	Harrington	- Aye	Pemberton	- Aye
21	Heliker	- Aye	Rebal	- Aye
22	Holland	- Abs	Reichert	- Aye
23	Jacobsen	- Nay	Robinson	- Aye
24	James	- Aye	Roeder	- Aye
25	Johnson	- Nay	Rollins	- Aye

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Romney	- Aye	Sullivan	- Aye
Rygg	- Nay	Swanberg	- Aye
Scanlin	- Aye	Toole	- Aye
Schiltz	- Abs	Van Buskirk	- Aye
Siderius	- Aye	Vermillion	- Aye
Simon	- Nay	Wagner	- Aye
Skari	- Aye	Ward	- Aye
Sparks	- Nay	Warden	- Aye
Speer	- Aye	Wilson	- Nay
Studer	- Nay	Woodmansey	- Aye

CLERK HANSON: Mr. President, seventy-seven Delegates voting Aye, nineteen voting No.

PRESIDENT GRAYBILL: Section three is adopted. If you will turn to page four, we will do the article on Public Utilities. Will the Clerk read the title of the report and the title of the article?

CLERK HANSON: (Reading) Order of Business Number Five, Final Consideration, Style and Drafting, Public Health, Welfare, Labor and Industry, number nine, Article, Public Utilities, Consumer Council. (End reading) Mr. President.

PRESIDENT GRAYBILL: Very well, so many as shall be in favor of the Consumer Council section vote Aye on the voting machines; those opposed vote No.

Mr. Toole.

DELEGATE TOOLE: Mr. President, I rise to explain

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my vote, Rule Twenty.

CHAIRMAN GRAYBILL: Have all the Delegates voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, cast the ballot.

Aasheim	- Aye	Brown	- Nay
Anderson, J.	- Nay	Bugbee	- Aye
Anderson, O.	- Nay	Burkhardt	- Aye
Arbanas	- Aye	Cain	- Aye
Arness	- Aye	Campbell	- Aye
Aronow	- Aye	Cate	- Aye
Artz	- Aye	Champoux	- Aye
Ask	- Nay	Choate	- Nay
Babcock	- Nay	Conover	- Aye
Barnard	- Aye	Cross	- Aye
Bates	- Aye	Dahood	- Aye
Belcher	- Nay	Davis	- Aye
Berg	- Nay	Delaney	- Abs
Berthelson	- Nay	Driscoll	- Aye
Blaylock	- Aye	Drum	- Aye
Blend	- Aye	Eck	- Aye
Bowman	- Nay	Erdmann	- Nay
Brazier	- Nay	Eskildsen	- Aye

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Etchart	- Nay	Mahoney	- Aye
Felt	- Abs	Mansfield	- Aye
Foster	- Aye	Martin	- Aye
Furlong	- Aye	McCarvel	- Aye
Garlington	- Nay	McDonough	- Aye
Graybill	- Aye	McKeon	- Aye
Gysler	- Nay	McNeil	- Aye
Habedank	- Aye	Melvin	- Nay
Hanson, R. S.	- Nay	Monroe	- Aye
Hanson, R.	- Aye	Murray	- Aye
Harbaugh	- Aye	Noble	- Aye
Harlow	- Aye	Nutting	- Aye
Harper	- Aye	Payne	- Nay
Harrington	- Aye	Pemberton	- Aye
Heliker	- Aye	Rebal	- Aye
Holland	- Abs	Reichert	- Aye
Jacobsen	- Nay	Robinson	- Aye
James	- Aye	Roeder	- Aye
Johnson	- Nay	Rollins	- Aye
Joyce	- Aye	Romney	- Aye
Kamhoot	- Nay	Rygg	- Aye
Kelleher	- Aye	Scanlin	- Nay
Leuthold	- Aye	Schiltz	- Abs
Loendorf	- Aye	Siderius	- Aye
Lorello	- Aye	Simon	- Nay

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Skari	- Aye	Van Buskirk	- Aye
Sparks	- Aye	Vermillion	- Aye
Speer	- Aye	Wagner	- Nay
Studer	- Nay	Ward	- Nay
Sullivan	- Aye	Warden	- Nay
Swanberg	- Aye	Wilson	- Nay
Toole	- Abs	Woodmansey	- Aye

CLERK HANSON: Mr. President, sixty-seven Delegates voting Aye, twenty-eight voting No.

PRESIDENT GRAYBILL: Very well, that section is adopted. Ladies and gentlemen, we have now finally adopted Bill of Rights, Education, Public Lands, and the Public Health Articles, and the Chair has referred them to Style and Drafting for inclusion in the final Constitution. Mr. Eskildsen, I think we should be in fifteen minutes recess before we go on General Government. Will you so move?

DELEGATE ESKILDSEN: Mr. President, I move that we stand in recess until fifteen minutes to eleven this day.

CHAIRMAN GRAYBILL: All in favor vote Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed vote No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: We're in recess.

(Recess: 10:32 A.M.)

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RECONVENE 11:09 A.M.

PRESIDENT GRAYBILL: The Convention will be in order. The Convention will be in order. We have now completed the work we had for today on Order of Business Number Five. Order of Business Number Six; Adoption; none. Order of Business Number Seven; Motions and Resolutions; I think there are none. Order of Business Number Eight; Unfinished Business.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Nine; Special Orders.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Ten. Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President. I move the Convention resolve itself into the Committee of the Whole for the purpose of handling business under General Orders.

PRESIDENT GRAYBILL: The motion is to resolve the Convention into a Committee of the Whole. All in favor, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: So ordered.

(Committee of the Whole)

CHAIRMAN GRAYBILL: Mr. Clerk.

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CLERK HANSON: (Reading) March 18, 1972. The following committee proposal is now on General Orders: General Government. (End reading) Mr. Chairman.

CHAIRMAN GRAYBILL: We'll proceed to the General Government Article in the Committee of the Whole this morning. That's the gray one, number twelve, on General Government. You will want to turn to page three. Now, before we proceed, Mr. Etchart has some amendments to the committee report. Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman. I think you have the written amendments up there but I'll --

CHAIRMAN GRAYBILL: Do you want me to read them?

DELEGATE ETCHART: If you would, please.

CHAIRMAN GRAYBILL: The first is on section one, page three, line ten and line thirteen, strike the word, departments, and insert therein, branches; that's on line ten and on line thirteen. In other words, on the first section of the General Government Article it should read, the powers of the government of the state are divided into three distinct branches, instead of departments. Then on line thirteen it says, belongs to one of these branches, instead of departments. The reason is to avoid confusion with the Executive Reorganization Act, which refers to twenty departments. The second amendment the committee wishes to make is section four on page four, line ten, after the word, constitution, put in an

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asterisk because we need to add a sentence, which can go at the top or bottom of the page. The sentence is: The highway revenue provided for in Article _____, section six, shall nevertheless be subject to appropriation by initiative. Now, I'll say that slowly: The highway revenue provided for in Article _____, section six, shall nevertheless be subject to appropriation by initiative. That goes on line ten after the word, constitution, an asterisk. Then on the same section four, line ten, the last word is eight, strike the word, eight, and put, five. And on line thirteen put the same thing, strike the word, eight, and put, five. Then you go to section five on line twenty-five and strike, eight, and put, five; and on twenty-seven strike, eight, and put, five. So there are four places; on line ten you strike the word, eight, and put, five; on line thirteen you strike the word, eight, and put, five; line twenty-five and line twenty-seven strike the word, eight, and put, five. Now Mr. Etchart, I think we've cleaned it up for you. Will the Clerk please read the title and section one of -- Mr. Etchart, do you wish an opening statement?

DELEGATE ETCHART: No.

CHAIRMAN GRAYBILL: All right. Will the Clerk please read the title and section one of the Article on General Government.

CLERK HANSON: (Reading) Montana Constitutional Convention, 1971-1972. General government constitutional amendment

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committee proposal on general government, number twelve. Introduced February 19, 1972, Mark Etchart, Chairman. Be it proposed by the general government constitutional amendment committee that there be a new article on general government to read as follows: Article, General Government, section one. Separation of powers. The powers of the government of this state are divided into three distinct branches, the legislative, executive and judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these branches shall exercise any power properly belonging to either of the others, except as in this Constitution expressly directed or permitted. (End reading) Mr. Chairman, section one.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman. I move that when this Committee does rise and report after having had under consideration General Government proposal number twelve, section one, it recommend that the same be adopted. Mr. Chairman, this section, with the exception of the title change from, distribution, to, separation, is identical to Article Six in the present Constitution. The committee feels a statement dividing the powers of government among the three branches of state government is essential to any constitution. The present article has been the crucial factor in determining much litigation and is an invaluable tool for the courts in deciding

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matters of governmental jurisdiction. A statement dividing the powers of government is designed to act as a check on overly ambitious branches of government. Mr. Chairman, I think that that explanation should be enough, as this separation of powers is well understood and well accepted.

CHAIRMAN GRAYBILL: Mr. Aronow, you have a proposed amendment to section one, right? Would you like the Clerk to read it?

DELEGATE ARONOW: Yes, please.

CLERK HANSON: Mr. Chairman. I move to amend section one, General Government proposal on page three at line fifteen, by adding the following sentence: (Quote) In the judicial department there shall be a clerk of the supreme court who shall hold his office for the term of six years. He shall be elected by the electors at large of the state. (End quote) Signed, Aronow. Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Aronow.

DELEGATE ARONOW: We earlier in the Judicial Article, on a motion to delete, without any debate, eliminated the office of clerk of the supreme court from the Constitution. This morning -- and in that process we eliminated the office in a rather cavalier fashion. There wasn't a word said; there wasn't a bit of debate; there was no discussion. It seemed like a good idea at the moment. This morning we adopted on third reading section three of the Bill of Rights the rights -- and

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this is one of the individual rights -- of pursuing life's basic necessities. We're not here to play God, to take away a man's livelihood, take away his office; he had a right to rely upon it. We did eliminate one office and that's the state treasurer, but that treasurer is not able to run to succeed himself so we did not deprive anyone of the right to make a living or the right to hold a job. We did eliminate the state auditor, and then we put the state auditor back in. We should be consistent at least. I admit that this probably is not the place in the Constitution where this matter should be handled, but Style and Drafting, I'm sure, can place it in the right article of the Constitution. I ask you all to have a little charity in your hearts to be consistent, if that's possible in this body, and not pull the rug out from any individual. I ask your support for this amendment. Thank you.

CHAIRMAN GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: Mr. Chairman. When I campaigned for this Convention, I campaigned on the principle of a short ballot. I argued and debated on the several occasions when the opportunity arose that there were certain offices in state government that did not participate in the determination of policy, and as a consequence, there was no real justification for their retention as elective offices. Arguments were presented here to the effect that that particular premise had to be countered with the requirement that the people be permitted

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to exercise their franchise of participating in government, and this could truly be exercised only by allowing them to vote for certain offices at the elections held in the state. I balanced that reasoning with my own reasoning that I formulated and adopted prior to coming here, and I think my record will indicate that I accepted that particular premise so that the people could fully participate through the elective process, even though they voted for offices that would not be involved in policy making. The only office that we eliminated -- and the treasurer's office, of course, is a different consideration since there was no right to succeed oneself in that -- was the office of clerk of the supreme court -- a gentlemen who has served Montana so well and so ably, has been a friend of all; has never allowed the fact that he had party label to have anything to do with the way in which he greeted people that came into his office to either file documents, file briefs, seek services or seek his advice. He has been a real humanitarian over all the years; and although perhaps this has no real basis for consideration by us, he has taken it as a definite insult on a personal basis; he has felt that this Constitutional Convention has reflected upon him and his service to the state over all these years. And to be somewhat fair about it, I think we would all have to agree there is some basis for his reaction to our action in that fashion. We have left the clerks of the district courts throughout the eighteen

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judicial districts and throughout the fifty-six counties on an elective basis. We have left the Montana Supreme Court on an elective basis; and I fail to see what jusification there is then for taking this one individual office out of the entire judicial system and saying that for him, and for him alone, it shall be appointive. I submit that as long as we did not go to the short ballot that we should reconsider our position and adopt the motion that has been made by Delegate Aronow and allow Style and Drafting to make that correction in the Judicial Article; and I support the motion that is before this body.

CHAIRMAN GRAYBILL: Quite frankly, the Chair is disturbed by this amendment because it seems to the Chair to be grafting on to the General Government Article a reconsideration. The Chair will take five minutes and read the Judicial Article and see what it was we voted on, and if this is the same thing, the Chair is not going to allow reconsideration by this manner. There are other ways to do it, but the Chair is disturbed by this. So we will stand in recess a moment while the Chair reads the Judicial Article.

(Recess)

CHAIRMAN GRAYBILL: The Chair is now ready to rule. The Chair observes that when we debated the Judicial Article we debated at section twelve, the first four lines of which are identical to the proposed amendment. The second part of the article that was deleted at that time -- one sentence

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dealt with the clerks of the district court, which there is no proposal to change here; the other part that was deleted at that time dealt with the term, qualifications and compensation of the district court clerks, so the only part of section twelve that was deleted that pertained at all -- no, I'm wrong about that, section eleven it was, clerk of the supreme court. The first part was identical with what has been proposed in this amendment; the second part dealt only with the salary and qualifications and duties to which the amendment here does not speak at all. The Chair is therefore going to rule that the proposed amendment to the General Government Article is identical to something that we deleted by a vote of fifty-seven to thirty-one. The Chair is going to disallow the amendment at this time of the General Government Article. You may challenge the Chair. The Chair will announce now that if the Chair is sustained, the Chair will allow at some appropriate time, when we finish General Government or on recess, a motion to suspend the rules and reconsider whatever we've done in the Judicial Article for that purpose alone, so that the matter may be reached if this body wishes to reach it. But the Chair feels that we should not allow amendments to the other articles which have been reached and where other people have been barred by failure to be able to get enough people to suspend the rules or by failure to reconsider or by not being on the prevailing side at the right time. In other words, all these

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rules by which we protect our work should not be easily overturned by grafting on to the General Government Article something we have already decided. Now that's the Chair's ruling, if you care to challenge it, let's challenge it.

Mr. Holland.

DELEGATE HOLLAND: Mr. Chairman. I'll challege the rule of the Chair and ask for a vote of the house to allow a vote on the amendment.

CHAIRMAN GRAYBILL: The Chair will allow Mr. Holland's challenge to the Chair's ruling. We will vote on it in a minute, after you've discussed it if you care to. You will recall that the motion that will be put is to sustain the challenge. So you would vote yes to sustain Mr. Holland; you would vote no to sustain the Chair. The Chair has a right to explain his ruling; I think I've adequately explained my ruling to you; I won't explain it any more, you may discuss it.

Mr. Mahoney.

DELEGATE MAHONEY: I must rise to say I think the Chair is absolutely right in this ruling that you can't hook on to something, and there is a way -- we've been doing always in the past -- and being this is the last article, I think it would be awful if all of a sudden we all got to hooking on things that have been in the past. I might state I am in favor of Mr. Aronow's idea, but I think that the proper procedure is the way the Chair has said it.

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CHAIRMAN GRAYBILL: Mr. Arness.

DELEGATE ARNESS: Mr. Chairman. I think it's only fair to point out in answer to Mr. Mahoney that we haven't always done this this way in the past; and that we considered the Executive Article, we tacked on a provision relating to legislature audit, and at the time that we did it we discussed it and it was decided that even though it belonged in the Legislative Article that we'd put it in the Executive Article and then Style and Drafting could put it back in the Legislative Article where it belonged later on; and that was in fact done. If we do what we've proposed to do here now, we're just doing what we did before and the President has already established for it. I submit that we should go ahead and do this this way.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Mr. President. At this late stage of the game I am very, very disturbed at your latter statement where you said that you could bring this matter up for reconsideration possibly later on. Does that mean then, that after we have worked over these articles and have them in final consideration that somebody can then amend them again?

CHAIRMAN GRAYBILL: Are you addressing an inquiry from me?

DELEGATE CHAMPOUX: I am addressing that to you, sir.

CHAIRMAN GRAYBILL: The Chair is of the opinion that this body is plenary, and if you want to suspend your rules at

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any time you can suspend your rules. Now whether or not you should is another matter, but I think that the Chair has the right to rule that that should be done at an appropriate time. This is not a motion to suspend the rules. I am not saying that I favor it or will vote for it, but I am saying that if we wanted to suspend the rules today and redo something I guess we could. There's really nothing that says we can't; we have a rule that says the rules can be suspended. I am merely pointing out there is a way to do it, and I'm not going to let them do it this way if I can help it. When they do it the other way, those that don't want the rules suspended will have to defend themselves.

DELEGATE CHAMPOUX: May I just make one more comment, sir?

CHAIRMAN GRAYBILL: Yes, Mr. Champoux.

DELEGATE CHAMPOUX: I would caution every Delegate in this assembly to be very aware of anything that comes from now on in this manner. Just think about everything that comes from now on. Thank you.

CHAIRMAN GRAYBILL: Mr. Eskildsen.

DELEGATE ESKILDSEN: I would just like to point out to the delegation that in a one house body this is the only opportunity you have to reconsider anything that you've done. If you have -- until everyone is satisfied that the vote is exactly the way that we take it. Now on the close votes

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there's nothing wrong in reconsidering, to see if we've really done what we intended to do. If we had a two body assembly where it went back and forth, it's a little different; but with one body this is the only opportunity that we have, and that's in reconsideration. However, I do support the President in what he has said up there right now; this is not the right place to do it. Later on, when the time is right, I will support that move to reconsider, suspend the rules, because it's only right that we give everybody one last chance to take a look at anything we do.

CHAIRMAN GRAYBILL: Mr. Scanlin.

DELEGATE SCANLIN: Mr. Chairman. Does anyone have the vote on that -- Mr. Eskildsen's -- was it a close vote?

CHAIRMAN GRAYBILL: I announced it a few minutes ago as fifty-eight to something -- you mean the vote on this issue before? The vote to delete section eleven was fifty-seven to thirty-one.

Mr. Brown.

DELEGATE BROWN: Mr. Chairman. I would just like to caution the Delegates that if we do not sustain the ruling of the Chair, then under this General Government everyone here who has any dissatisfaction with any article can merely make an amendment and we will have to debate everyone of them. The only proper way is to reconsider or suspend the rules.

CHAIRMAN GRAYBILL: Is there further discussion? (No

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response) The issue is on Mr. Holland's motion challenging the decision of the Chair to disallow Mr. Aronow's amendment. The proper form of the question is: Does the body sustain the challenge? That means, if you vote Aye on a roll call vote, you are voting for Mr. Holland; if you vote Nay, you're voting to sustain the Chair.

Mrs. Pemberton, for what purpose do you rise?

DELEGATE PEMBERTON: I would just like to ask one question. I am sorry to have it brought up right at this instant, but for the uninitiated in these affairs, what does final draft mean, then?

CHAIRMAN GRAYBILL: Final approval?

DELEGATE PEMBERTON: Yes, final approval, which I thought was the very end.

CHAIRMAN GRAYBILL: It is, except this body has the power to suspend its rules, Mrs. Pemberton.

DELEGATE PEMBERTON: Thank you.

CHAIRMAN GRAYBILL: And when we adjourn sine die, that's the only thing we can't undo, then we're done. We're done as far as the constitutional drafting is concerned; we're not done as far as spending the money, but we're done considering the articles when we adjourn sine die.

Mr. Romney.

DELEGATE ROMNEY: Mr. Chairman. I assume that under the rules as you announced them, if Mr. Holland's motion is

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defeated we still have recourse to the right to suspend the rules and proceed?

CHAIRMAN GRAYBILL: Yes, I announced that I would allow, at some appropriate time, that remedy to be attempted. I don't want to tell you, but somebody's got to decide whether you can do this or a lot of people might be working over the noon hour. All right, is there any other discussion? (No response) The motion will be a roll call vote on whether or not to sustain the challenge of the Chair. If you vote Aye, you are sustaining the challenge; if you vote No, you're sustaining the Chair. I asked for the roll call, do I have any second's? (Affirmative response) Okay, has every Delegate voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate want to change his vote?

(No response)

CHAIRMAN GRAYBILL: Cast the ballot.

Aasheim	- Aye	Ask	- Nay
Anderson, J.	- Aye	Babcock	- Nay
Anderson, O.	- Nay	Barnard	- Nay
Arbanas	- Nay	Bates	- Nay
Arness	- Aye	Belcher	- Nay
Aronow	- Aye	Berg	- Nay
Artz	- Aye	Berthelson	- Nay

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1	Blaylock	- Nay	Furlong	- Nay
2	Blend	- Nay	Garlington	- Nay
3	Bowman	- Nay	Graybill	- Nay
4	Brazier	- Nay	Gysler	- Nay
5	Brown	- Nay	Habedank	- Nay
6	Bugbee	- Nay	Hanson, R. S.	- Nay
7	Burkhardt	- Nay	Hanson, R.	- Aye
8	Cain	- Abs	Harbaugh	- Nay
9	Campbell	- Abs	Harlow	- Nay
10	Cate	- Nay	Harper	- Nay
11	Champoux	- Nay	Harrington	- Aye
12	Choate	- Nay	Heliker	- Aye
13	Conover	- Nay	Holland	- Aye
14	Cross	- Nay	Jacobsen	- Aye
15	Dahood	- Nay	James	- Nay
16	Davis	- Nay	Johnson	- Nay
17	Delaney	- Abs	Joyce	- Nay
18	Driscoll	- Aye	Kamhoot	- Nay
19	Drum	- Nay	Kelleher	- Aye
20	Eck	- Nay	Leuthold	- Nay
21	Erdmann	- Nay	Loendorf	- Nay
22	Eskildsen	- Nay	Lorello	- Abs
23	Etchart	- Nay	Mahoney	- Nay
24	Felt	- Abs	Mansfield	- Nay
25	Foster	- Nay	Martin	- Nay

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McCarvel	- Aye	Scanlin	- Nay
McDonough	- Nay	Schiltz	- Nay
McKeon	- Aye	Siderius	- Nay
McNeil	- Nay	Simon	- Nay
Melvin	- Nay	Skari	- Nay
Monroe	- Nay	Sparks	- Nay
Murray	- Nay	Speer	- Nay
Noble	- Nay	Studer	- Nay
Nutting	- Nay	Sullivan	- Aye
Payne	- Nay	Swanberg	- Nay
Pemberton	- Nay	Toole	- Nay
Rebal	- Aye	Van Buskirk	- Nay
Reichert	- Nay	Vermillion	- Nay
Robinson	- Nay	Wagner	- Nay
Roeder	- Nay	Ward	- Nay
Rollins	- Nay	Warden	- Nay
Romney	- Nay	Wilson	- Nay
Rygg	- Nay	Woodmansey	- Nay

CLERK HANSON: Mr. Chairman. Sixteen Delegates voting Aye, seventy-nine voting No.

CHAIRMAN GRAYBILL: Sixteen Delegates having voted Aye and seventy-nine, no, the challenge is not sustained and Mr. Aronow's motion is wiped out. Is there other discussion of section one? Mr. Kelleher.

DELEGATE KELLEHER: I don't like section one because

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I feel that the legislature is primus inter pares, or even more than that, that the legislature is supreme, over the executive and over the judicial; but I am not going to make any amendments.

CHAIRMAN GRAYBILL: Is there other discussion of section one? (No response) Very well, members of the body, you have before you for your consideration, upon motion of Mr. Etchart, that when this Committee does rise and report after having had under consideration section one of the General Government Article on general government, that we recommend it be adopted. All in favor, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Mr. Clerk, would you read section two.

CLERK HANSON: (Reading) Section two. Continuity of government. The seat of government shall be in Helena except during periods of emergency resulting from disasters or enemy attack. The legislative assembly may enact laws to insure the continuity of governmental operations during a period of emergency. Such laws may deviate from other provisions of the Montana Constitution conflicting therewith, but shall be effective only during the period of emergency that affects a particular office of the governmental operation. (End reading)

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Mr. Chairman, section two.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman. I move that when this Committee does rise and report after having had under consideration General Government proposal number twelve, section two, it recommend the same be adopted. Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: This section would revise the provisions in Article Ten, sections two, three and four, of the present Constitution relating to the seat of government and Article Five, section forty-six, relating to continuity of government. The proposed section is sufficient to allow the legislature to enact laws to provide for continuity of government under any situation which may arise.

CHAIRMAN GRAYBILL: Is there any discussion? (No response) You have before you, on Mr. Etchart's motion, section two; all in favor of section two, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Will the Clerk read section three.

CLERK HANSON: (Reading) Section three. Oath of office. Members of the legislative assembly and all officers, executive, administerial or judicial, shall before they enter

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upon the duties of their respective offices take and subscribe the following oath of affirmation, to-wit: (Quote) I do solemnly swear or affirm that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity, so help me God. (End quote) And no other oath, declaration or test shall be required as a qualification for any office or public trust. (End reading) Mr. Chairman, section three.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman. I move that when this Committee does rise and report after having had under consideration General Government proposal number twelve, section three, it recommend the same be adopted. Mr. Chairman, this section on the oath is a shortened version of the oath presently contained in Article Nineteen, section one, of the present Constitution. This oath contains the intent of the present Constitution's oath, but without the extensive detail. The proposed oath also allows a person of any religious persuasion, including an atheist or agnostic, to take the oath without violating his principles. The provision also prohibits any other oath as a qualification for any state or public office.

CHAIRMAN GRAYBILL: Is there a discussion of section three, the oath? (No response) Members of the Committee, you have before you on the recommendation of Mr. Etchart that when

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this committee does arise and report, after having had under consideration section three, that we recommend the same be adopted. All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, say no.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: Section three is adopted. Will the Clerk read section four?

CLERK HANSON: (Reading) Section four. Initiative. The people may enact laws by initiative in all matters except appropriations of money and local or special laws prohibited by this Constitution. The highway revenue provided for in Article blank, section six, shall nevertheless be subject to appropriation by initiative. Initiative petitions must be signed by five percent or more of the legal voters in each of one-third or more of the legislative representative districts and the total number of signers must be five percent or more of the total legal voters of the state. Each petition must contain the full text of the proposed measure. Petitions must be filed with the secretary of state four months or more prior to the election at which they will be voted upon. The enacting clause of all initiative measures shall be, "Be it enacted by the people of the state of Montana." (End reading) Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Etchart.

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DELEGATE ETCHART: I move that when this committee does arise and report after having had under consideration General Government proposal number twelve, section four, it recommend the same be adopted. Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: This is the provision for statutory initiative agreed on by the General Government and Legislative Committees jointly. The General Government Committee feels the petition requirement of five percent in each of one-third or more of the legislative representative districts and five percent or more of the total legal voters of the state are high enough to prevent frivolous legislative efforts by a small minority, yet low enough to allow serious popular measures to be initiated by the people. Incidentally, the five percent is three percent lower than the present Constitution allows for.

CHAIRMAN GRAYBILL: Very well. Mr. Loendorf, you have an amendment up here. Would you like the Clerk to read it?

DELEGATE LOENDORF: Please, Mr. Chairman.

CLERK HANSON: (Reading) Mr. Chairman, I move to amend section four, page four, lines eighteen, nineteen and twenty, of the General Government Committee proposal number twelve, by deleting the following words: quote, The enacting

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clause of all initiative measures shall be, quote, Be it enacted by the people of the state of Montana, end of quote. Signed, Loendorf. (End reading) Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Loendorf.

DELEGATE LOENDORF: The purpose of this amendment is to simply remove from the Constitution a provision which may prevent laws from being declared void on a technical basis. This provision has nothing to do with the substance of anything. Let me explain by an analogy which, I think, illustrates the point, although it's perhaps not a fair analogy. Supposing this required -- the Constitution required that initiatives be written out on yellow paper and someone drafted one on white paper and the court declared it void. That's exactly what has happened in the past under a similar provision. We also had under the Legislative Article a clause for bills, which is the same, only it read: Be it enacted by the Legislative Assembly of the state of Montana. An old 1937 law was declared void on this basis, when the legislature inadvertently used the enacting clause: Be it enacted by the people of the state of Montana, instead of, Be it enacted by the Legislative Assembly of the state of Montana. Neither of these phrases had anything to do with the law passed, yet the law was declared void because the Constitution required this phrase be a part of the bill. I was a member of the joint committee that met on this as a member of the legislative

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subcommittee and I am sorry, and I would like to share the blame, for not having taken this sentence out earlier and having to bring it before the body now. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Brown.

DELEGATE BROWN: The General Government Committee is all in favor of this amendment.

CHAIRMAN GRAYBILL: Is there further discussion?

(No response)

CHAIRMAN GRAYBILL: Very well. The issue before us is Mr. Loendorf's amendment to strike lines eighteen through twenty, most of those lines, the sentence being: The enacting clause of all initiative measures shall be: Be it enacted by the state of Montana.

Mr. Mahoney.

DELEGATE MAHONEY: Mr. Chairman, would the gentleman, Mr. Etchart, yield to a question?

CHAIRMAN GRAYBILL: Mr. Etchart?

DELEGATE ETCHART: Yes.

DELEGATE MAHONEY: Why did you continue to use the four months for this time instead of going to two -- with all our modern communications and everything we have?

CHAIRMAN GRAYBILL: Now, just a moment. Mr. Mahoney, you're off the subject, aren't you? The subject is whether or not to eliminate --

DELEGATE MAHONEY: Oh, I'm sorry.

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CHAIRMAN GRAYBILL: I haven't quite put that question to a vote yet; I was trying to. All right, now everyone understands Mr. Loendorf wants to strike that be it enacted language. All in favor of Mr. Loendorf's amendment say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, say no.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It carries and the language will be stricken.

Now, Mr. Mahoney.

DELEGATE MAHONEY: Might I renew my question to Mr. Etchart?

DELEGATE ETCHART: We thought the four months would give people enough time to consider it, even with our better communications.

DELEGATE MAHONEY: With all we have now -- say these people -- this would mean July this has to be in. I was wondering, did you ever give any thought to sixty days or something like that? I think we're going to try and get away from elections fooling around too long, having this long time between primaries. I'm wondering, if we don't defeat some things or get some things too long, so that the people lose interest in them. Did you ever give any thought to that?

DELEGATE ETCHART: The committee discussed it briefly, Mr. Mahoney, but didn't feel there was any real advantage to

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shortening it up more than four months. We thought that it would be beneficial to have enough time for all the people to study it out.

DELEGATE MAHONEY: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: I'm looking for the line -- all I want to do if I can find the right line -- line sixteen -- and I would like to strike that from four months to two months. I move it, Mr. Chairman, if I can without a written amendment. It's only one word.

CHAIRMAN GRAYBILL: We'll allow your amendment, Mr. Mahoney. Mr. Mahoney wishes to amend line sixteen by taking out the word four and putting in the word two, so that it means that the petitions must be filed with the Secretary of State two months or more prior to the election. Mr. Mahoney, are you through?

DELEGATE MAHONEY: Yes, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Kelleher.

DELEGATE KELLEHER: Mr. Chairman, as I have done so often in the past during this convention, I heartily indorse Mr. Mahoney's amendment.

CHAIRMAN GRAYBILL: Mr. Habedank.

DELEGATE HABEDANK: Mr. President, I resist the motion to change this to two months. There are certain things to be done by the Secretary of State; things have to go out to

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the clerks and recorders offices in connection with these matters, and I think the two months is just a little bit too short. I don't believe it hurts the people of the state of Montana to have something on their agenda for four months. Initiated measures are an unusual way of passing legislation. Preferably legislation should be passed by the legislature, where it can be discussed, debated and all the changes that are made that are being made by this convention, to make good legislation. Initiative measures, by and large, in my opinion, are the result of a small group who get together, they come up with an idea, they don't discuss the thing properly as far as wordage is concerned, but they decide they want something done; so they put the measure on the ballot and away they go. I think it would be well for the people of the state of Montana to have four months to deliberate on it; and I resist the amendment.

CHAIRMAN GRAYBILL: Mr. Vermillion.

DELEGATE VERMILLION: Mr. President, I resist the amendment, and I think we should make clear that what we're saying here is that petitions must be filed with the Secretary of State within four months, and not when they go out to the voter. It might be that the four months, that gets the Secretary of State's office busy at getting these things printed up and sent out to the voters, and they should have, I think, at least fifty or sixty days to study these things. If the

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petitions were filed with the Secretary of State only sixty days before the election, the voters might have only twenty or thirty days to look them over. So I think you want them to have sixty days to look them over, the petition should be given to the Secretary of State about four months before the election.

CHAIRMAN GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Mr. Chairman, in answer to that, this Constitution isn't going to have very long out here, not four months or any time like that. It's just kind of getting in line with the Constitution. I believe we got about thirty, forty days after it gets down there -- it's going to be sixty days, we have to be sixty days in there; so I think we're just kind of getting along with the way we're operating the Constitution.

CHAIRMAN GRAYBILL: Mr. Choate.

DELEGATE CHOATE: Mr. Chairman, there is one other point that maybe Mr. Mahoney hadn't considered. In our referendum and initiative thing in the other article, we provide that the Secretary of State shall certify the petition. Now in order for him to do that, he's got to have the county clerks, if this is a statewide petition, they have to be checked in the counties, and that's going to take a little time. If the petition is filed with him and he has to have it back to the people on the ballot within sixty days, he might not have time

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enough to go back to the counties for the county clerks to certify the petitions within their respective counties. So I think that maybe it takes a little more than sixty days and I believe the four month period would suffice.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: Correction to what Mr. Choate said. If you are getting an initiative signed, they go through and are certified in all the counties first, and then only do they go to the Secretary of State's office. This is one of the big messes about getting an initiative petition. A person getting an initiative signed can get them all into the county clerk, and then if the county clerk for some reason holds them up and doesn't get them into the Secretary of State's office by the deadline, you're dead. So after this date of getting them into the Secretary of State's office, they do not then have to be checked by the county clerks any more.

CHAIRMAN GRAYBILL: Very well, the issue is on Mr. Mahoney's motion to change the word, four, f-o-u-r, to the word two on line sixteen, so that you only have to have these petitions in to the Secretary of State two months before the election. All in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Noes have it. Mr. Joyce,

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you have an amendment before the Chair, do you want us to read it?

DELEGATE JOYCE: Please, Mr. Chairman.

CHAIRMAN GRAYBILL: Clerk.

CLERK HANSON: (Reading) Mr. Chairman, I move to amend section four by adding a new sentence on line twenty-eight, page nine, to read as follows: quote, The sufficiency of the initiative petitions shall not be questioned once the election is held. Signed, Joyce. (End reading)

CHAIRMAN GRAYBILL: Very well. Mr. Joyce wants to add a sentence at the end of section four, to say: The sufficency of the petitions shall not be questioned once the election is held. Mr. Joyce.

DELEGATE JOYCE: I propose to add this sentence just to make perfectly clear -- when I was a young lawyer and knew everything, much more than I do now, I had the privilege of being an assistant attorney general and had the privilege of arguing in the Supreme Court of Montana, the veterans' bonus initiative, and one of the challenges that was made in that case, after the election was held and after it passed overwhelmingly, was that the petitions that had been circulated in the various counties were insufficient, that some of the names were forgeries, and that sort of thing. The argument was made quite seriously that since the Constitution required that these petitions be signed by a sufficient number in each

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county, we had the dilemma then of going back and trying to prove whether or not some of them were forgeries. We argued to the Supreme Court that once the election was held, it couldn't be challenged, but notwithstanding, the attorney on the other side kept needling us that the Constitution was mandatory. So I just thought that perhaps this sentence wouldn't do any harm and would make it perfectly clear in the future that once the election is held, you can't challenge the sufficiency of the petitions.

CHAIRMAN GRAYBILL: Mr. Toole.

DELEGATE TOOLE: Mr. Chairman, I rise in support of Mr. Joyce's amendment. I had personal experience with such an election, where the petition was disqualified for strange reasons, because a physician put the word doctor in front of his name, or a lady put Mrs. in front of her name. We won in the Supreme Court, but I think this sort of thing would definitely need a remedy in this Constitution.

CHAIRMAN GRAYBILL: Very well. The issue is on Mr. Joyce's amendment, which would add on line eighteen on page four, a sentence which would say: The sufficiency of the initiative petition shall not be questioned once the election is held. So many as shall be in favor of that amendment, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed say No.

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DELEGATES: No.

CHAIRMAN GRAYBILL: It's adopted. Is there other discussion?

Mr. Foster.

DELEGATE FOSTER: Mr. Chairman, fellow Delegates. I move to amend on page four, line sixteen, the last word, four, by deleting it, and adding the word, three.

CHAIRMAN GRAYBILL: Very well. Mr. Foster has an amendment similar to Mr. Mahoney's amendment, changing if from four to three instead of from four to two, so that everybody understands it. Mr. Foster.

DELEGATE FOSTER: I think that the remarks that Delegate Mahoney made were very well put, and I also felt that some of the remarks of some of those who felt that two months was not quite sufficient time could be satisfied by making it three months. This is obviously a compromise between the two positions and I think it would improve the section. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mrs. Robinson.

DELEGATE ROBINSON: Will Mr. Etchart yield to a question?

CHAIRMAN GRAYBILL: Mr. Etchert?

DELEGATE ETCHART: I yield.

DELEGATE ROBINSON: Mark, in your first General Government Article that we dealt with on constitutional

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initiatives for calling a constitutional convention, you didn't mention any time limit in terms of when the petitions had to be filed. I was wondering what your reasoning was in terms of why now you should put this in and not before in the other article.

DELEGATE ETCHART: This is in the present Constitution, and we felt it has been well tested through the courts. I think both the Legislative Committee and our committee felt that there was some value in retaining a lot of the language from the present Constitution. I think that was the main reason we left it in.

DELEGATE ROBINSON: Will you yield to one more question?

DELEGATE ETCHART: I yield.

DELEGATE ROBINSON: I see that point, but when I compare these two articles, there just doesn't seem to be much consistency in terms of either procedure for initiative, and of course the number and percentages in the districts vary a great deal, too, but it just seems that if you are going to write a time limit in on one initiative procedure, it should perhaps be written into the other or I think, as we're just kind of indicated on the discussion, that maybe four months is too much, two months is not enough, that this might be something better left to the legislature to determine.

DELEGATE ETCHART: Well, Miss Robinson, the thinking

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of the committee is that the initiative on the constitutional amendment would be used very, very rarely, so we didn't go into quite as much detail with it. Also, if you will notice, we require ten percent of the voters on the constitutional provision and we only require five percent of the voters on our initiative in this section; and the reason for that was to make it easier to amend the statutes than it is to amend the Constitution. So we feel that it will be a very rare occasion that the initiative will be used in constitutional revision and amendment; but this provision to amend the statutes probably will be used quite a bit.

CHAIRMAN GRAYBILL: Is there other discussion of Mr. Foster's amendment? (no response) Mr. Foster wants a roll call vote. All in favor of Mr. Foster's amendment, which is to change four to three, vote Aye on the voting machine, and all opposed vote No. Has every Delegate voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Please take the ballot.

Aasheim	- Aye	Arness	- Aye
Anderson, J.	- Nay	Aronow	- Nay
Anderson, O.	- Nay	Artz	- Nay
Arbanas	- Aye	Ask	- Nay

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1	Babcock	- Nay	Eck	- Aye
2	Barnard	- Aye	Erdmann	- Aye
3	Bates	- Aye	Eskildsen	- Aye
4	Belcher	- Nay	Etchart	- Aye
5	Berg	- Nay	Felt	- Abs
6	Berthelson	- Nay	Foster	- Aye
7	Blaylock	- Aye	Furlong	- Nay
8	Blend	- Aye	Garlington	- Nay
9	Bowman	- Abs	Graybill	- Aye
10	Brazier	- Nay	Gysler	- Aye
11	Brown	- Nay	Habedank	- Nay
12	Bugbee	- Aye	Hanson, R. S.	- Aye
13	Burkhardt	- Aye	Hanson, R.	- Nay
14	Cain	- Aye	Harbaugh	- Aye
15	Campbell	- Aye	Harlow	- Aye
16	Cate	- Aye	Harper	- Aye
17	Champoux	- Aye	Harrington	- Aye
18	Choate	- Aye	Heliker	- Abs
19	Conover	- Aye	Holland	- Abs
20	Cross	- Nay	Jacobsen	- Aye
21	Dahood	- Aye	James	- Aye
22	Davis	- Nay	Johnson	- Aye
23	Delaney	- Abs	Joyce	- Aye
24	Driscoll	- Nay	Kamhoot	- Aye
25	Drum	- Abs	Kelleher	- Aye

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Leuthold	- Aye	Rollins	- Aye
Loendorf	- Aye	Romney	- Nay
Lorello	- Nay	Rygg	- Aye
Mahoney	- Aye	Scanlin	- Aye
Mansfield	- Aye	Schiltz	- Aye
Martin	- Aye	Siderius	- Aye
McCarvel	- Abs	Simon	- Aye
McDonough	- Nay	Skari	- Aye
McKeon	- Aye	Sparks	- Aye
McNeil	- Nay	Speer	- Aye
Melvin	- Nay	Studer	- Nay
Monroe	- Aye	Sullivan	- Aye
Murray	- Nay	Swanberg	- Nay
Noble	- Aye	Toole	- Nay
Nutting	- Nay	Van Buskirk	- Aye
Payne	- Aye	Vermillion	- Nay
Pemberton	- Aye	Wagner	- Aye
Rebal	- Aye	Ward	- Aye
Reichert	- Aye	Warden	- Aye
Robinson	- Aye	Wilson	- Abs
Roeder	- Aye	Woodmansey	- Aye

CLERK HANSON: Mr. Chairman, sixty-three Delegates voting Aye, twenty-nine voting No.

CHAIRMAN GRAYBILL: Sixty-three having voted Aye and twenty-nine voting No, the amendment prevails, and on line

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sixteen you should amend the word four to three.

Mr. Harper.

DELEGATE HARPER: Mr. Chairman, I have something of a little more substantive nature here, I feel, and I think it ought to be brought up. This morning -- first, I will propose an amendment, it's simple. It would simply delete the section that was added by voice after the asterick in line ten this morning, after the word, situation, in section four. Those words are, The highway revenue provided for in article blank, section six, shall nevertheless be subject to appropriation by initiative. My amendment is to delete that and restore the article to what it was before that addition was made. I will give you my line of reasoning and not argue the point then. I think the body ought to be aware of what this will do. Mr. Etchart, chairman of the committee, was perfectly correct when he pointed out the differences in the amendment to the Constitution by initiative procedure and in the amendment to statutes initiative section we are now dealing with, section four. It takes ten percent of the voters to get an initiative on the ballot to amend the Constitution. This section calls for five percent to get an initiative on the ballot to change a law. Now, put that one fact together with this fact: the first sentence of section four, the present section four on initiative, The people may enact laws by initiative on all matters except appropriations of money, and so forth. Now,

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then, our Legislative Committee at first was dealing with this matter before it was passed to General Government. We talked at length on this. We were very much in favor of the initiative and the referendum, completely in favor of it. We also came out, I think unanimously, in favor of making an exception in terms of appropriations. Now, for example, when the public starts making appropriations, or starts cancelling appropriations that have been made, and appropriations of funds on which agencies have already budgeted and so forth, you get into a really ticklish area. So, while we were all for keeping everything open to the public in terms of initiative referendum, we were leery at that point, and so we supported wholeheartedly the General Government's approach to this matter of leaving appropriations out of this. Now, then, put those two things together. What one appropriation mentioned in the Constitution will now be eligible for removal by initiative initiated by only five percent of the people? You guess it, the highway anti-diversion measure, or however you want to entitle it. I feel that this inclusion is no accident. I simply wanted to call it to the attention of the floor before it went through just as part and parcel of this thing, which we have not had on our desks, you see, to look at as we have had the rest of it. I think we just simply ought to know that we're making an exception for this one thing for a very specific purpose, contrary to the general rule in the first

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sentence of section four and, of course, in a much weaker fashion, allowing an amendment of the Constitution on this one point for five percent instead of ten percent as the original article called for.

CHAIRMAN GRAYBILL: Very well, the Chair will allow Mr. Harper an amendment, the purpose of which is to delete the material that was added by the committee before it presented this report, about the highway revenue provided for in article blank, section six, nevertheless be subject to appropriation by initiative. It is now open for discussion.

Mr. Habedank.

DELEGATE HABEDANK: Mr. President, I don't believe the addition to this section four, as made by the General Government Committee, was made because of any general disagreement with the principles which Mr. Harper discussed. However, this convention voted, in passing the Revenue and Finance measure, the following provision, which is section two, subsection two of section six: Such revenue may be appropriated for other purposes by a three-fifths vote of the members of each house of the legislature or by initiated measure approved by a majority of the qualified electors. This body, by a majority vote, has said in that specific section that that particular thing could be initiated, and it is a matter of trying to eliminate a conflict between the initiative section which we have proposed and subsection two of section six, which

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this body has adopted, that that was added for. We would be very happy, I think, if they would strike out the initiated measure in subsection two of section six, but there has to be some correlation between the two.

CHAIRMAN GRAYBILL: Mr. Chairman and members of the committee: some time ago, when we were debating the highway matter, Mr. Etchart came to me, asking if we could take care of this conflict in Style and Drafting, and at that time I told him I thought it would need some kind of an amendment, either to the Revenue and Finance section six article or to this one, and we decided that this would be the place to take care of it. I have no substantive interest in it, except that it would have been a substantive matter if it had come out of Style and Drafting with that amendment in there, because we wouldn't have been entitled to make that amendment. So we thought the easiest way was to put this language in at this point so that the substantive material could be handled by the Committee of the Whole and then Style and Drafting would have no problem. There is definitely a conflict. If you read that section and keep in mind that section six of the Revenue and Finance provision allows just exactly what this prohibits; so there must be something done somewhere to remove that conflict.

CHAIRMAN GRAYBILL: For the benefit of the body, in case you don't have your Revenue and Finance Style and Drafting

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final adopted section six before you, I will read you subsection two of section six: Such revenue may be appropriated for other purposes by a three-fifths vote of the members of each house of the legislature, or by initiated measure approved by a majority of the qualified electors. As I understand the situation, I'm not trying to argue it, the point is that that is a specific direction in section six of Revenue and Finance that this money may be reached by initiative; we're now, in General Government, setting up initiative and ordinarily you can't appropriate by initiative, so there had to be an exception in the appropriation -- in the General Government Article that denied the public the right to appropriate by initiative, and this is it. Now, let's discuss it.

Mr. Champoux.

DELEGATE CHAMPOUX: Would Mr. Harper yield to a few questions, please, sir?

DELEGATE HARPER: Yes.

DELEGATE CHAMPOUX: Mr. Harper, is your point that it is now easier, under this new section, with the five percent added, to, so to speak, get at this money by initiative? Is that your point?

DELEGATE HARPER: Mr. Champoux, that is exactly the point. At the time the Revenue and Finance Article was written and this reference which the Chairman just read, amendment by initiative, we had then passed in this body the amendment by

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initiative, section nine, of General Government report number two, which tells you how you, by initiative, may change the Constitution. Now we are coming back later, after that, with ten percent in mind, and we voted for that; this was on the books in a sense; and now we're moving at five percent. I'm not really that hot on it; I just want it to be understood that we are substantively changing this and we're, of course, doing it for this one measure and one measure only.

DELEGATE CHAMPOUX: Is it your feeling, then, that we should increase this, is this your point or not?

DELEGATE HARPER: Actually, I think -- now I realize we're in a bind in terms of Style and Drafting and the rest of it; but it's something like we were talking to on Mr. Aronow's motion, although not completely. Really, if they want to make an exception to the way you amend the Constitution, it should have been put into section nine of their report number two, because section four of the present report we are dealing with, initiative is talking about changing legislative matters. It is not talking about changing the Constitution. I don't want to belabor this point again, but I think is a way of just cutting it in half, making it twice as easy to get the job done.

CHAIRMAN GRAYBILL: Mr. Habedank.

DELEGATE HABEDANK: Mr. President, I would like to state that I don't know whether Mr. Harper is error intentionally

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or just misstated himself. This initiative does not have to do with amending the Constitution; this is legislative initiative. The initiative for amending the Constitution still requires ten percent.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: He just told me that; he didn't ask me that; but if I may reply to it, if I'm misstaken, it is certainly is just because of my dumbness, and I would like to clear it up. I thought this business we passed about the diversion money was going to be in the Constitution. See, I thought the Revenue and Finance Article was going to be in the Constitution; that's where I slipped up. Now if it isn't going to be in the Constitution, it seems to me like the only way to amend that is to amend the Constitution. That was my line of reasoning, Otto. Not true?

CHAIRMAN GRAYBILL: Mrs. Babcock, I will come to you, but Mrs. Robinson has been up.

DELEGATE ROBINSON: I merely wanted to point out that I think Reverend Harper is exactly right. There's another thing that's been overlooked. Not only are there differences between these two procedures in terms of percentage, ten percent for a constitutional amendment and five percent for legislative enactment, but also in terms of the number of districts that that this petition signatures have to be spread over. In the constitutional amendment, they have to be obtained in

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two-fifths of the legislative districts; and to enact legislation by initiative, they only have to be in one-third. When you are talking about a five percent variance in terms of actual population, and then also a seven percent variance in terms of distribution of petition signatures, you are talking about some real substantial differences.

CHAIRMAN GRAYBILL: Mr. Choate.

DELEGATE CHOATE: Mr. Chairman, I just might say that, for the edification of the people here, that in our committee we had no intention of trying to change this thing or put in something later. That is not the point of it. You see, our first article came out long before the Revenue and Finance article came out and we had no way of knowing what that would have been, otherwise we would have probably provided this in that report. I would say if it could still be done, it probably would be more in order to revert it back to that one and leave it at ten percent, than as is presently provided for here. But that's the reason why it came out this way. Our report was two weeks before, or a week at least, before the Revenue and Finance was and we had no knowledge of it.

CHAIRMAN GRAYBILL: Mrs. Babcock.

DELEGATE BABCOCK: Mr. Chairman, I was just going to ask Reverend Harper a question. I wondered if he was planning on building a canoe this summer; seeing as how he doesn't

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approve of highways, maybe he could travel by boat.

DELEGATE HARPER: The answer is no, I'm not planning on building a conoe.

CHAIRMAN GRAYBILL: How about an arc?

DELEGATE HARPER: Well, if the deluge continues, I might have to, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Mr. Chairman, I wish to apologize to the body for not noticing when it came out in Revenue and Taxation, or I would certainly have been on my feet, that we were going to let electors appropriate and change this formula by initiative. I had thought -- and I hadn't read it, and I'm going to blame myself -- I went to Mr. Schiltz later and we discussed this this morning, and I didn't know that the electors were going to have any part of appropriations at all. We have made a mistake; I think we have made a mistake in this body; and I think right now we should correct it by eliminating this and saying, you just can't do it over another section; let Style and Drafting determine that this is what the body wanted. I think we have plenty of time here to do that at this time and leave this part where it says, except appropriations. I think this should be done and this is the time to do it. This is one of the problems that we're going to have in the future, when the unicameral system gets in, and we're going to have to admit them and make mistakes and clean them up as we

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go along, Mr. President. And I think it would be well if we just amended that out and let Style and Drafting correct on the end and say there's no appropriation by anybody, then this can't be done. If you go out here to the point of letting me come out here to get the gas, then we're going to be in a terrible shape. I think we should admit our error, correct our mistake right now. I don't know if this is right or if we can do it. It will take, probably, a ruling from the Chair. But I think we could go out and then let Style and Drafting correct it.

CHAIRMAN GRAYBILL: Mr. Harlow, you were up next.

DELEGATE HARLOW: In order to clear up this confusion in regard the initiative for amending the Constitution and the initiative for enacting laws, there are two different requirements between amending the Constitution and enacting laws. We have no variation of thinking nor variation of initiative measures when we set up two different qualifications for amending the Constitution by initiative and for enacting laws by initiative. You cannot amend the Constitution through legislative action less than two-thirds of a total vote of the members. You can enact laws merely by a majority of those voting, so I do not think you need to be alarmed over the variation in these two things. Now I think we do need to be alarmed by the sentence that was put in at the committee. I was not present at the committee; I was away on convention

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business and was unable to attend the meeting, so I'm not necessarily opposing the committee, but -- this is going to be real good, you'll get a laugh out of this -- I'm not opposing the committee, but I don't think that's a good sentence to put in. So I think, keeping this thought in mind about the initiative for the amending of the Constitution and the initiative for laws, they should not be compatible. They should be different, as they are now. So let's just keep our minds on this section and not bring in the section on amending the Constitution by initiative. Thank you.

CHAIRMAN GRAYBILL: Mr. Joyce.

DELEGATE JOYCE: Mr. Chairman, I rise in support of the motion to delete. I think maybe we could clear the whole matter up if somehow or other we could amend the Finance and Revenue section to say that the -- somehow to read, that the legislature -- that such revenue may be appropriated for other purposes by three-fifths vote of the members of each house of the legislature, or by an initiated measure authorizing such appropriation. Because, as I recall, I think that must have been obviously the intent of the committee because it just never has been the situation of allowing people to appropriate money out of the public treasury by initiative in any constitution because there may not be the money in there, or they may appropriate more money than there is in there. That just can't be, and I think, obviously, the committee must

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have meant if the people got up an initiative authorizing the legislature to divert it, that would be the same as a three-fifth's vote. So I rise in support of the deletion in any event; let's not make the matter worse.

CHAIRMAN GRAYBILL: Mrs. Cross.

DELEGATE CROSS: Mr. Chairman, if I recall correctly, the intent of the Committee of the Whole when we discussed this measure under Revenue and Finance, it was to make the highway department more responsible to the legislature. If this sentence changes that intent, then I think we should delete it.

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Here's where we have to be cautious. Now there's no mistake, Charlie Mahoney, on the anti-diversion amendment. That's been passed twice here. The intent of the committee can be questioned in terms of the percentage. I will submit to that. But the general intent of this body has been known twice on that vote. Now the question here is not one of appropriations, as I see it; not one of appropriations. That's already been settled, twice, when we passed that anti-diversion amendment. The question here is, the percentage of voters to be allowed to petition for an initiative appropriation which we allowed under the section that we passed under Revenue and Finance. Now, Charlie is trying to give to Style and Drafting, as I see it, a substantial

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change that we've already voted on that would open up the Finance and Revenue Article again; and I'm opposed to it. Now the Reverend Harper is right. This is a deluge to becloud the issue. The issue is the percentage we want to initiate a petition for appropriations.

CHAIRMAN GRAYBILL: Mr. Brown.

DELEGATE BROWN: Mr. Chairman, I discussed this with my committee chairman, and we would like to make it clear that our committee didn't put this in because we were for it. I'm violently opposed to appropriation by initiative; and I was like Charlie, I didn't know it was in that diversion fund. The reason we put this amendment was to bring it to the floor's attention that there was a conflict. I think through Mr. Schiltz, it was brought to the Chairman's attention. I'm like Mr. Mahoney, possibly we'll have to suspend the rules; I don't think Style and Drafting can do it; but if you don't want appropriation by initiative, then I think what you're going to have to do is suspend the rules, delete that from the anti-diversion bill and then delete this. But if you want appropriation by initiative, then you're going to have to leave this in and that's the decision this body has got to make, is what you want to do with that anti-diversion measure.

CHAIRMAN GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: Mr. Chairman, I think perhaps we are getting away from the purpose of the section that we

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approved in Revenue and Finance, and perhaps when I'm finished someone from Revenue and Finance can either agree or disagree with my analysis. Now I frankly don't see any conflict. I don't think we need the section that is proposed by General Government, because I think when you construe sections they've got to be placed together and you have got to construe them in pari materia, which is a recognized rule of legal construction to come out with the sense of what is intended. I think what was intended, as I understood Revenue and Finance when I voted on it, it was simply this: that with respect to only one fund, that is the highway revenue fund and no other, the people would have a right to divert part of that fund by placing the matter on the ballot and a majority of the electors approving it. I agree with Delegate Mahoney, we cannot have anything done by way of initiative or by any other means that would tend to effect the budget considerations of the legislature. I don't think we are doing that in Revenue and Finance. I think we're saying that only in that one particular instance, may the electors, in that fashion, indicate they want part of that fund diverted. That, in my judgment, would not in any way upset the budget considerations of the legislature. I would like to have Revenue and Finance tell me whether or not that analysis is correct.

CHAIRMAN GRAYBILL: Mr. Rygg.

DELEGATE RYGG: Mr. Chairman, of course we are getting

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into a legal area. What I would like to suggest, if it's in order, I would like to suggest that we pass this section four until, say, 2:00 P.M. this day; and that personally I think it would be all right to take this initiative part out of our section six, but I would like the opportunity to meet with our committee and see if they would agree on that. That would be my reason for asking this, to give us a little time during the noon hour to thresh this out and maybe save some discussion on the floor. So I would move that we pass this section until 2:00 P.M. today, if that hour is in keeping with yours.

CHAIRMAN GRAYBILL: Mr. Rygg has a motion to pass section four, substitute motion for Mr. Harper's motion to delete. Is there any discussion? (No response) All in favor of passing section four until 2:00 P.M -- it has to be to a time certain under the rules -- all in favor of passing section four to 2:00 P.M., say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: The Ayes have it and it's so passed.

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. Chairman, I move the Committee of the Whole stand in recess until 1:30 this afternoon.

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CHAIRMAN GRAYBILL: The motion is to recess the Committee of the Whole until 1:30. All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: Mr. Garlington, do you have an announcement?

DELEGATE GARLINGTON: Mr. Chairman, I would like to ask the members of the Ceremony Committee to meet in room 431 for a brief meeting immediately upon adjournment.

CHAIRMAN GRAYBILL: Upon adjournment, the members of the Ceremony Committee meet upstairs. Very well, the motion to recess has passed. Mr. Rygg, do you want the Revenue and Finance Committee?

DELEGATE RYGG: In room 437 immediately on recess, please.

CHAIRMAN GRAYBILL: Room 437, is that Local Government?

DELEGATE RYGG: Yes.

CHAIRMAN GRAYBILL: Very well, Local Government. You have all voted to recess, and we are recessed.

(RECESS: 12:30 P.M.)

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MONTANA CONSTITUTIONAL CONVENTION

FORTY-NINTH DAY

Saturday, March 18, 1972 Convention Hall

1:50 o'clock, P.M. Helena, Montana

CHAIRMAN GRAYBILL: The Committee will be in order. The Committee will be in order. Very well, members of the committee, before lunch we were considering section four. We moved to pass section four until two P.M. It isn't quite two P.M., but it's nearly two P.M. Perhaps we can start the discussion there so we don't have to go on to something that we are not all thinking about. The Revenue and Finance Committee has met during the lunch hour and I understand that Mr. Rygg wishes to be recognized.

Mr. Rygg.

DELEGATE RYGG: Mr. Chairman, I'd like to speak on a point of personal privilege, if I may. Our committee, of course, met because we had to clear up what our actual reasoning or thinking was behind the wording in there and sometimes what you think and what the words are don't agree, but we have come to the conclusion that we are in support of Mr. Harper's motion to delete and we feel that if we can, probably like Mr. Dahood did this morning, read into the record our thinking o. our terminology that actually the two sections can stand as they are without conflict. Originally it was not the commit-

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tee's thinking that the initiative of the people was to provide for the appropriating of funds or revenues, but our idea was that if a three-fifths vote of the legislature could not be had, then the people would have the right by initiative to direct the legislature to use these dedicated funds for other purposes. That really is the thinking of the committee when they wrote the article. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Very well, Mr. Rygg, you will have those comments sent to the journal and they will be entered in the journal. Now, with that understanding, apparently it's the -- as the Chair understands that, it's the sense of the Revenue and Finance Committee that they want their language left alone but they did not mean to grant the power of appropriation to the people but only the power of the people to authorize the legislature to appropriate. With that comment added to their committee report, we are now debating Mr. Harper's motion that the material added by the committee when they presented their proposal today to section four, namely that the highway revenue provided for in article blank, section six, shall nevertheless be subject to appropriation by initiative -- they are suggesting that that be deleted. Now, the issue is on Mr. Harper's motion to delete that language which was added to the General Government's section four. Is there other discussion?

Mr. Champoux.

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DELEGATE CHAMPOUX: Mr. Chairman, fellow Delegates, there is a point of contention in my mind. Now, if I can resolve this, I will vote for deletion, but if I can't, I will vote against deletion. Now, here's the problem, as I see it. If you look at the Revenue and Finance article, section six, sub two, it says such revenue may be -- now, notice the words, may be -- appropriated for other purposes by a three-fourths vote of the house of each -- three-fifths vote of the members of each house of the legislature, or by initiated measure of -- approved by a majority of the qualified electors. Now, the key words there, it seems to me, are, may be, and by initiated measure approved by a majority of the qualified electors. Now, that section to me, as I read it, gives the right. O.K., now, if you go to the general education -- the General Government, section four, it says: The people may enact laws by initiative on all matters except -- now, again, there's the key word -- appropriations of money and local or special laws prohibited by this Constitution. Now, it seems to me that on the one hand we are given the right, and in this section it's taken away from us. If you put the amendment in, then it comes in agreement, when it says, the highway revenue provided for in section six, sub two, nevertheless shall be subject to appropriation by initiative. Now, what happens if you take this out? Well, then, both of these sections, as I see it, are in conflict. Now, if they are in conflict, and if somebody

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can convince me that they aren't, I'd be willing to accept it -- but if you take this out, this amendment, and they remain in conflict, well, then, who is to resolve that conflict if we leave this as it's stated in both areas of the Constitution? I submit that the courts would be the ones to resolve that conflict and in the process you might dilute the strength of both of those sections or bring them into question as to what we really meant here. Now, if we see the problem and the conflict is obvious to us here, then we must resolve it in this assembly. Now, the issue here, as I see it, isn't -- the issue isn't whether the people have the right to appropriate money for revenue purposes by initiative. That's not the issue. Why isn't it the issue? Because we have already decided that issue by two votes when we voted for the anti-diversion amendment. We have already decided that issue. That's locked up, unless we want to open it up again and argue it out again, which, under the rules, we can do, but if we do that, of course, it will further weaken that anti-diversion amendment. Now, having said that, if you delete this amendment, then you put this into conflict. Now, really, one of the problems may be here whether we feel philosophically whether people should have the right -- the great majority of the people by initiative -- to involve themselves in the budgeting process. Now, that may be a fundamental problem here. Now, we may -- it seems to me we have resolved that when we voted for

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the anti-diversion amendment. Now, maybe some of you weren't aware of this, that this thing was involved, this principle, but that's the way, as I see it, and to leave this unresolved here means that we have the conflict and it's going to be left up to the court, so I say, leave the amendment in if you want to keep appropriations by initiative of the people, and if you don't, take it out, but if you do that, then, it's going to open up the anti-diversion amendment, section six, into question and something then has to be done with that. That's the way I -- that's my problem. Thank you.

CHAIRMAN GRAYBILL: Mr. Aasheim.

DELEGATE AASHEIM: Mr. Chairman and Delegates, I concur wholeheartedly with Mr. Champoux's explanation of this whole matter. I think that if we leave this amendment in there will be no doubt about our intent. I did not and do not agree with the idea in the Revenue and Finance section, but as long as it's there, let's leave it there, and in order to keep everything clear, let's leave this amendment as it is and then there will be no question in anyone's mind what our intent is.

CHAIRMAN GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: Mr. Chairman, I was satisfied with the explanation that Delegate Rygg presented to the Delegates and if that explanation is not going to resolve the situation, then I think we'd better take another look at exactly what we

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are doing here. If we're going to leave it the way it is, the question then becomes -- let's assume that a revenue measure for an appropriation is initiated by the people. Let's take two budgetary periods, '73 and '75, so the budget is passed, let's say, in '73, and then there's an initiative by the people, diverting some of the highway funds for a particular special purpose. We know that we can't back up to the '73 budget -- that's already balanced, based on certain revenue -- so then it has to go in to the budget that is going to be next considered by the legislature, and we're saying to the legislature that we've already made a diversion with respect to income, and that is set aside, now build the rest of the budget around it. I think we're taking a power away from the budget-making body that I don't think the people want us to do and I think it tends to interfere with the fiscal integrity of the state. I think that our forefathers knew what they were talking about and what they were writing about when they wrote in the first Constitution that appropriations matters shall never be subject to any type of action by the people by way of initiative. Now, as I gathered from the comments of the chairman of Revenue and Finance, what's in subsection two of section six is merely this--that the people may indicate to the legislature that they may -- that they want a diversion to take place, and the legislature that meets after that particular expression by the people will then decide just exactly how they

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are going to fit that into the general over-all budget. If that explanation isn't correct, as much as I dislike suggesting this, then I think we'd better recognize that we have made a mistake with respect to the fiscal integrity of the state and we'd better take that particular provision of subsection two of section six out of Revenue and Finance and delete the sentence that we're talking about in section four of General Government. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: Mr. Chairman, I support the Delegate from Deer Lodge. I don't see how in the world the people are going to use this crazy section anyway, but it can cause all sorts of trouble and it can do little if any good. I don't see why the Harper amendment to delete cannot be accepted and then the Convention suspend the rules and take up the Revenue and Finance and eliminate that last phrase. I don't think that that's what any of us thought we were doing anyway, and as far as anyone being afraid to open up the section, now, I personally was against the thing but after being run over by the locomotive and the whole bunch of cars afterwards twice, I'm quite sure there would be no disposition on the part of anybody to go any farther. I support the Harper amendment.

CHAIRMAN GRAYBILL: Mr. Loendorf.

DELEGATE LOENDORF: Mr. Chairman, I think that we

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could debate this matter all day and I agree with Mr. Dahood. I'm a little concerned here about saying one thing in the Constitution and then having to explain that to the people by saying, well, there's something else in the record which makes that mean something that it doesn't say there, and therefore, I am going to move at this time, as a substitute motion, to suspend the rules so that we may consider deleting the language in section six, subsection two, of the Revenue and Finance report number seven, and that language I would like to delete is found on page six, lines twelve and thirteen, and I would make this amendment.

CHAIRMAN GRAYBILL: Mr. Loendorf, the Chair is going to rule you out of order on attempting to suspend the rules on a section that we're not debating. Now, I have already explained to this body once today that the people that want to amend it to take care of the clerk of court will have an opportunity to suspend the rules, but the time to suspend the rules on something in the Judicial article is not while you are in the middle of debating the General Government article. Now, we will dispose of the Harper amendment one way or the other and if you want to suspend the rules to change the Judicial article, you can get in line with the people this morning. I'm not going to stop you from doing it, but I'm going to oppose doing it in the middle of the debate on General Governmer Even though I see it's obviously apropos, it just seems to me

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we must follow the rules. Now, maybe you -- if you care to challenge the Chair's ruling, go ahead.

DELEGATE LOENDORF: I'm not going to challenge the Chair's ruling, but that makes it awful difficult, it seems to me. This question has to be determined before we can determine Harper's amendment -- O.K., someone says no. I support Harper's amendment anyway.

CHAIRMAN GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Mr. Chairman, this brings up another question to me, and I might be wrong, but say that after we pass the Constitution and the people -- now I have made -- and so that they can have an amendment by initiative or by signatures -- now, if this gets in in two spots it will be -- they will have to go out and have two different amendments, as I understand, to try and arrive at the same thing. Now, if nothing else, if this Convention will not go any further, let's take this out of this article so then the people won't have to go out and amend two articles of the Constitution when they try to amend this out, because I am sure that if this article is left this way, there will be an amendment submitted very quickly after this Constitution is adopted and -- because if we don't, the people are going to find an awful lot of people who will certainly not support the Constitution. I'd like to see it left at least, if nothing else -- and I said on this floor this morning and I'll repeat it again -- I wish to apol-

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ogize to this Convention for not noticing this earlier. Then I think we could have had it better discussed on this point and I'm going to take the blame for it, and I do think that this Convention -- it won't hurt us to have a little confession of the soul and say we made a great mistake here and we're entitled to one in all the time we're at this Convention. We're entitled to one mistake, and I'm sure the press won't ridicule us too much if we just honestly come out and we come to the point, if the majority -- and I'll certainly support them to reconsider and limit it the same as we've limited the other. We did this in our other articles, right down definitely to a point, and say this is the only thing we're going to reconsider if we wish to take it out of that article. I'm willing to go that far, but to get a compromise here and let's don't stand on protocol, let's don't do anything. Let's come out and send a document to these people. So, if you can't go for the suspension of the rules, please take this out so we won't make it tougher on the people to amend the Constitution because I'm sure they're going to want to do it, be letting appropriations by initiative would be terrible.

CHAIRMAN GRAYBILL: Mr. Aasheim.

DELEGATE AASHEIM: Will Mr. Mahoney yield to a question?

CHAIRMAN GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: I'll try.

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DELEGATE AASHEIM: Mr. Mahoney, if we pass the Harper amendment, then you will agree to suspend the rules for the purpose of striking out in the Revenue and Finance article this terminology: or by initiated measure approved by a majority of qualified electors?

DELEGATE MAHONEY: I'll agree to that and limit it to that, so there's no other part of it's going to be open and we have precedence for that in this body.

DELEGATE AASHEIM: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Aasheim.

DELEGATE AASHEIM: I will also go along with the Harper amendment with this supposition that we can suspend the rules and delete this section from the Revenue and Finance article.

CHAIRMAN GRAYBILL: Mr. Aasheim, you have confused the Chair. I don't know about the rest of us. It would seem to me that if you and Mr. Mahoney agreed to do that, you would strike Mr. Harper's amendment -- or, you would support Mr. Harper's amendment -- is that what you mean? Very well, I understand.

Mr. Champoux.

DELEGATE CHAMPOUX: Would chairman Sterling Rygg submit to a few questions, please?

CHAIRMAN GRAYBILL: Mr. Rygg.

DELEGATE RYGG: I yield.

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DELEGATE CHAMPOUX: Mr. Rygg -- Sterling, so we can get this cleared up in everyone's mind here, so there isn't any confusion and we -- I don't agree with Charley Mahoney. I was aware when I voted for this exactly what we were doing and I'm sure a lot of other people in this assembly were aware of what they were doing about this. However, I will submit that it could raise a number of problems. I will agree with that. Now, somebody had to put that in that section. Now, who did it in the committee and for what reason? Surely, the committee debated this.

DELEGATE RYGG: Well, we put it in there. Apparently we weren't too careful of the wording. We weren't aware of that. I don't know who put it in the committee. I can't tell you that, but it was put in there with the thinking that if the three-fifths vote was not gotten in the legislature, then the people would have the right to ask the legislature to use these funds for other purposes. I can't name the man. I don't know who it was, but that was the thinking of the committee and that's why it went in there.

DELEGATE CHAMPOUX: Now, when you -- may I ask another question?

CHAIRMAN GRAYBILL: Yes, sir.

DELEGATE CHAMPOUX: When you did discuss this, did you think of it in terms of specific appropriations or just simply opening it up for general appropriations?

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DELEGATE RYGG: Well, we had no thought at all of having the people appropriate the money. That wasn't our thinking at all. Our thinking was that they could direct the legislature to divert this money for other purposes than highway purposes. Nothing specific, no.

DELEGATE CHAMPOUX: May I make a few comments, sir?

CHAIRMAN GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Again, then, it seems to me then that what we are debating here is whether we want to accept the philosophy of the people to appropriate money by initiative. Now, this could be, as Mr. Dahood said, could result in a lot of problems and I think that's the major point. Thank you.

CHAIRMAN GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, members of the committee, I object to the idea where Mr. Aasheim and Mr. Mahoney can make some kind of a deal and I'm supposed to go along with it, and I'm not going to. If we suspend the rules in order to do this, we ought to get back and then if we are going to make any deals, we ought to get back to what the committee intended which was that the people can require the legislature to do what that thing says, and that's what you said was your intent, and I'm not party to any deals between Aasheim and Mahoney, I'll tell you that.

(Laughter)

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CHAIRMAN GRAYBILL: Mr. Furlong.

DELEGATE FURLONG: This morning, Delegate Dahood got up and in response to some newspaper material, specifically stated for the record that the provision in the Bill of Rights did not mean to limit in any intent no fault insurance for the state of Montana. The Revenue and Finance Committee did not intend that the people appropriate money, per se, when they wrote that in there. They did intend that the people by initiative by a majority of the people could direct the legislature to use the money for purposes other than stated in the Constitution, and I submit to you that if we accepted Delegate Dahood's explanation this morning, and I think we accepted it in good faith, that there was no intent, I think by the same token, we can accept the same kind of reading into the record this afternoon that it was the intent of the Revenue and Finance Committee to give the people by initiative -- it's still a majority of the people, fifty-one percent -- that we give them by initiative the right to direct the legislature to use or appropriate highway revenues for purposes other than specifically stated in the Constitution, and I would like the delegation to support the Revenue and Finance position as they supported Delegate Dahood's proposal this morning.

CHAIRMAN GRAYBILL: Mrs. Eck.

DELEGATE ECK: I think we're speaking of two different things here because I believe our article which Delegate

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Dahood spoke about this morning clearly did not say, and I think that the lawyers in the body who have looked at it could see no way it could be interpreted to say that it prohibited no fault insurance. The difference here is, no matter what the intent of the committee was, that the provision clearly does say that this money may be appropriated by initiative. I can't see that we have this much of a problem. I think that if we go ahead and delete the provision from the General Government article, accept Harper's amendment, I think it's quite obvious that the group will agree to suspend the rules to go back and make the change we need. I don't think we can delete it with the assurance that this will happen, but I think that, you know, considering that we're reasonable people, we don't want to submit a document to the public which is going to have to be amended and changed, as Mr. Mahoney suggested it might be. I think we -- you know, we pretty well have to risk it at this point. Thank you.

CHAIRMAN GRAYBILL: Mr. Habedank.

DELEGATE HABEDANK: I would like to ask a question of the Chair. I think the Chair has correctly ruled in regard to Mr. Loendorf's motion, particular in respect to what was done otherwise. However, I think the real question we're faced with is, you cannot properly vote on a motion to delete, assuming that this body is going to do something else in regard to the revenue and finance measure, and would it be in

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order to bring this matter to a head, out of context where it doesn't belong, but so we get one -- the thing that should be decided first, decided, to challenge the ruling of the Chair and then see if we could get the Revenue and Finance article ended and then go back to the other? Would the court -- would the Chair entertain -- would a challenge of the Chair's ruling affect that? That's what I'm trying to get at.

CHAIRMAN GRAYBILL: Well --

DELEGATE HABEDANK: I think the Chair's ruling is correct. I just don't want it to go the way the Chair --

CHAIRMAN GRAYBILL: You'd like to do it incorrectly because it's easier?

DELEGATE HABEDANK: Yes.

(Laughter)

CHAIRMAN GRAYBILL: Well, maybe the Chair would, too. The Chair is bothered by one thing, and I have listened carefully to the debate. Without entering into the debate, I would like to observe that you're really talking about three things and not two things out there. Some of you want to leave it as it is, with the Harper amendment in or out; some of you want to go back and change the anti-diversion section, but when you get that group that wants to go back and change, some of you just want to knock out the word, initiative, and others of you want to say what the committee says it meant. And there's two things -- two possibilities back there -- and I

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think it's the fact that there are two possibilities when you get section six opened that bothers the committee and a lot of other people. And, you know, you're really not of one mind when you get it opened and I think that's what's bothering a lot of people about opening something that we don't know what to do with when we do get it open. We not only don't know whether we're going to go back and open it, Mr. Habedank--we don't know when we get it opened what we're going to do, and that's the problem. That's why the Chair is a little reluctant, out of order and to make it easier, throw the lid off.

DELEGATE HABEDANK: I agree with the Chair as to what can happen, but whatever is decided there then, we know it's decided and you can govern the other section accordingly, and if we're going to open it, it's my feeling that we might just as well open it now and whatever way the lid blows off, that's the way it's blown, and then we can govern ourselves correctly in connection with the General Government article.

CHAIRMAN GRAYBILL: I'm sure we'll hear some more debate.

Mrs. Babcock.

DELEGATE BABCOCK: Mr. Chairman, would it be possible to segregate this section from the Committee of the Whole report and --

CHAIRMAN GRAYBILL: There's a rule against segregation in Committee of the Whole.

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Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman, I'd observe that there's a fourth thing to add to what you've suggested that's in evidence here, and that is that there's a real reluctance on the part of some of the Delegates to open up one article that we have already passed because they see this might lead to opening up other articles. Now, I submit that for some Delegates this might be an overriding consideration and I don't think it ought to be. I don't think any of these articles are sacred. I think that any of them can be considered again, as many times as we want to do it, as long as we want to stay here, and I don't think that we should be so insecure about some little thing that we've got locked away in some article that we're afraid that this body might open it up and take it out of there. So, I would speak in favor of the motion to delete and take it from there.

CHAIRMAN GRAYBILL: Mr. Martin.

DELEGATE MARTIN: I speak in favor of Delegate Harper's motion to delete, but for a different reason and that was the original reason that Delegate Harper talked about. Section four says that people may enact laws by initiative on all matters except appropriations, and then we turn around and have an amendment that highway revenue provided for in artic. blank, section six, shall nevertheless be subject to appropriation by initiative. Do we mean what we said in the first sen-

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tence or are we going to change that? I think we ought to delete this and go from there.

CHAIRMAN GRAYBILL: Mrs. Reichert.

DELEGATE REICHERT: Mr. Chairman, I rise in support of Delegate Harper's motion to delete, and I think the Constitutional Convention Delegates in 1889 stated so simply what we have attempted to state when they said that the people reserve to themselves power to propose laws and to enact or reject the same at the polls, except as to laws relating to appropriations of money. Now, this is what we intended in our Legislative Committee when we considered the initiative and the referendum and I think that this is what was intended by Delegate Etchart's committee, and I think that the intentions of the Finance Committee -- the intention was honorable and I think it's a matter of semantics and the words, by initiated measure, are the words that are causing us all this difficulty. I remember discussing this on the floor. It didn't seem to create much difficulty then because the intention was expressed. Perhaps the committee --the Revenue and Finance Committee--could reword this particular phrase, this section, so we would not have this difficulty. They are not talking about appropriations, and I think that that's clear; if only they could express it in a clear manner there would be no problem if we follow Delegate Harper's advice and delete this reference in this particular article.

CHAIRMAN GRAYBILL: Mr. Choate.

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DELEGATE CHOATE: Mr. Chairman, it might be worth pointing out that in the rationale on the revenue committee's proposal number seven, when they come to a discussion of this particular subject, the only thing they refer to there is the diversion of it by the legislative assembly. There's no mention made in their rationale as to initiative. It says: The proposed section permits diversion of earmarked funds to other purposes if each house of the legislative assembly, by a three-fifths majority, approves such expenditure. In other words, the primary responsibility for review, assessment and eventual allocation of highway funds rests with the legislature. That body is free to change the earmark. That's all it says. So, the record in this instance, in their report, is not very clear as to the initiative end of it.

CHAIRMAN GRAYBILL: Mr. Rygg.

DELEGATE RYGG: In reference to that, I agree that you're right, but it does say there, an eventual allocation of highway funds rests with the legislature, so if you take that one, really that would supercede any mention of the initiative because we do say here that it rests with the legislature, so while we haven't said it in the words you say, I do believe we say it with that one sentence.

CHAIRMAN GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: Mr. Chairman, I think we are all after the same objective. Right now we are stumbling over

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procedural blocks and it may well be that I'm going to be ruled out of order, but at this time, I move that the rules be suspended for one purpose and one purpose only, to determine whether or not the words from Revenue and Finance reading, or by initiated measure approved by a majority of the qualified voters, should be deleted. I so move.

CHAIRMAN GRAYBILL: Now, before the Chair rules on your motion, Mr. Dahood, the Chair wants to make a couple of inquiries. Mr. McDonough, you did some of the drafting in Revenue and Finance. Can you put together language which would -- Mr. Rygg has explained what the committee meant. Can you put into language that can be put into section six what the committee meant?

DELEGATE McDONOUGH: Yes, sir.

CHAIRMAN GRAYBILL: In other words, you can do that?

DELEGATE McDONOUGH: I think we can, but we will open up all of subsection two, but I think it's -- we can put it in language to the effect that it may be appropriated by the legislature for other purposes by a three-fifths vote, or the people by initiative can authorize the legislature to appropriate money to other purposes, which means then that if by initiative -- if the initiative passes, the legislature can appropriate money for other purposes, then, by a majority vote. I think that's what the intention of the committee was by this language.

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CHAIRMAN GRAYBILL: Mr. Schiltz, do you have a comment?

DELEGATE SCHILTZ: I have a comment, Mr. Chairman. I have difficulty between the words require and authorize. I think if the people took this action, they would be requiring the legislature. I would propose that if that -- if Mr. Dahood's motion prevails and we do undertake this amendment, that after the word, electorate, we add the words, require the legislature to appropriate, and then strike, may be appropriated after that.

CHAIRMAN GRAYBILL: I don't know where you're amending? Are you in General Government or Judiciary?

DELEGATE SCHILTZ: No, I'm in -- I'm in Revenue and Finance, in Helena, Montana.

CHAIRMAN GRAYBILL: I mean Revenue and Finance. All right, would you explain that again?

DELEGATE SCHILTZ: After the word, electorate, in that section two, add the words, require the legislature --

CHAIRMAN GRAYBILL: After the word, electors?

DELEGATE SCHILTZ: Well, I guess I'm in the original section and not the right one.

CHAIRMAN GRAYBILL: Well, I'm using the one you've already corrected for me, Mr. Schiltz.

DELEGATE SCHILTZ: I couldn't find that one.

CHAIRMAN GRAYBILL: I guess we're both in trouble.

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DELEGATE SCHILTZ: I think after the word, electors. Somebody has it here. All right -- oh, I am in trouble, aren't I? I'd better sign off for a minute.

CHAIRMAN GRAYBILL: Yes, I think you'd better. Mr. Dahood, the Chair's problem -- I see your problem and I'm willing to try and work it out here and I agree with Mr. Habedank it would be easier to work it out. The Chair is -- I want to be cautious on opening up section six, sub two, and so the Chair is interested, if possible, in opening it up in the most restrictive way possible. I don't want a four hour debate on anti-diversion this afternoon if I can help it, so the Chair would defer to Mr. Rygg or Mr. McDonough, if either of them cared to make a motion, to suspend the rules for the specific purpose of replacing certain language with other language. Now, when that's been done, if they'll do it, if you want to try and make it wider than that, you can. But, in other words, I would like to take the narrowest version first and then if others don't like that, they'll have to widen it and they'll have to get a majority to go with them. Mr. Furlong, for what purpose do you rise?

DELEGATE FURLONG: Mr. Chairman, to ask a question.

CHAIRMAN GRAYBILL: Very well, ask it.

DELEGATE FURLONG: If the body has accepted the intent of the Revenue and Finance Committee as it has been expressed here -- and apparently they have at least twice -- my

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question is, cannot Style and Drafting then actually incorporate the intent of Revenue and Finance without really making a substantive change?

CHAIRMAN GRAYBILL: Well, I think that the thing has gone so far, and there's so much question about what the real intent is, that we'd better either clear it up by language or agree not to clear it up. The Chair would entertain a motion, to get at this, from the Revenue and Finance Committee, either Mr. Rygg or Mr. McDonough, that would suggest suspension of the rules for the specific purpose of deleting certain language from six, sub two, and putting other language into six, sub two, which language you would state. Now, that's the narrowest I can conceive it. Then, if somebody wants to move to make it broader, why, maybe they can do that. Mr. McDonough, do you understand me?

DELEGATE McDONOUGH: Mr. President, I'm not sure I can make it at this time, though, to put the specific additional wording in. Well, I move we suspend the rules for the specific and limited purpose only of reconsidering subsection two of section six of the Revenue and Finance article, such limited and specific purposes being striking the last twelve words from said subsection two --

UNIDENTIFIED DELEGATE: Period.

CHAIRMAN GRAYBILL: No, the Chair won't accept it if he says period because then he's changed the meaning of the

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committee.

DELEGATE McDONOUGH: No, I didn't say period, yet.

CHAIRMAN GRAYBILL: Well, I hear a lot of help. Mr. McDonough has the floor.

DELEGATE McDONOUGH: And substitute in lieu thereof --or by initiated measure approved by a majority of the qualified electors, require the legislature to appropriate such revenue --

CHAIRMAN GRAYBILL: Or by initiative measure approved by a majority of the electors require what?

DELEGATE McDONOUGH: The legislature to appropriate such revenue for other purposes. Could I restate the motion?

CHAIRMAN GRAYBILL: Yes.

DELEGATE McDONOUGH: Mr. President, I move we suspend the rules for the limited and specific purpose only of adding to subsection two of section six of the Revenue and Finance article, after deleting the period, require the legislature to appropriate such revenue for other purposes.

CHAIRMAN GRAYBILL: Very well, the Chair understands the situation to be this. Why don't you listen until we've got it stated; then we'll discuss it. At present, subsection two of section six of Revenue and Finance says: Such revenue may be appropriated for other purposes by a three-fifths vote of each house of the legislature, or by initiated measure approved by a majority of the qualified voters. Now, the Revenue

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and Finance Committee proposes to add the words -- add a comma and say, to require -- or, requiring the legislature to appropriate such revenue for other purposes. The purpose of this amendment would be to make clear what the Revenue and Finance Committee meant, namely, that the initiative could require the legislature to utilize highway funds but that it could not determine how they were to be appropriated or in what amounts. It merely would require the legislature to go ahead and use the highway funds. In other words, it limits the initiative measure to directing the legislature to break the non-diversion but it does not tell the legislature in what measure or what nature to do that. Have I correctly characterized your amendment? Yes?

DELEGATE McDONOUGH: One more check.

CHAIRMAN GRAYBILL: Mr. Furlong, I have correctly characterized your amendment? This amendment?

DELEGATE FURLONG: Yes, but in some of your comments, I think perhaps you went a little far when you said that -- In other words, let me state it this way. I think the people at any time under this section by initiative, if you carry out the intent of the revenue, would be that they may in fact direct the legislature by the initiative for a specific purpose, because --

CHAIRMAN GRAYBILL: They can direct the breaking or the non-diversion for a purpose but they can't appropriate --

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DELEGATE FURLONG: Right.

CHAIRMAN GRAYBILL: -- the money or decide the amounts and so forth, right?

DELEGATE FURLONG: Yes, but I felt you were limiting it, that they could just tell them you can now divert and give them no other direction, and I would think the initiative could give a specific direction to the kind of diversion that it had in mind.

CHAIRMAN GRAYBILL: All right, then, in this sense the initiative that the Revenue and Finance Committee proposes is not an appropriation initiative, it's just an initiative directing the legislature that it can break the non-diversion rules. Now, if everybody understands that, that's the purpose of Mr. McDonough's amendment to clarify the language of the Revenue and Finance Commission's -- Committee's meaning on section six, sub two. Now, for that purpose -- and we don't have to strike the twelve words. We use the twelve words and continue to explain them. For that purpose, the Chair will allow Mr. McDonough's rule to suspend the rules. I take it, Mr. McDonough, that if you are successful in suspending th rules, someone will have to move to reconsider along the same lines and then we'll have to reconsider and do it. Is that correct?

DELEGATE McDONOUGH: Yes, sir.

CHAIRMAN GRAYBILL: All right. Now, then, with that

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picture in mind, I'll be glad to hear your comments.

Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman, is an amendment in order?

CHAIRMAN GRAYBILL: An amendment to what they've done?

DELEGATE HARBAUGH: Yes.

CHAIRMAN GRAYBILL: An amendment -- an amendment -- the Chair will rule that since they are stating the language -- I'm merely allowing them, if possible, to clean up their language, but since they have stated the language, an amendment is not going to be in order on this motion. Now, if you want to make another motion that's broader, you make it and we'll see if this body will suspend the rules for your motion, but I'm trying desperately not to open it up unless you can get fifty-one percent to do it. So, the Chair would rule the purpose of this suspension is only to add the words that they said and not to add any amendments that they said. It's for that purpose only. It's either going to win or lose. That's the Chair's intent at the moment.

DELEGATE HARBAUGH: Thank you, Mr. Chairman. The amendment -- no amendment is apparently in order at this time and therefore, I think I would have to vote against the motion that is before us because I think it is very obvious that we have backed into an alley and we can't turn around and what we

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need is some elbow room, and I think that we ought to open this section up so that we can work on it, and I'll vote against the motion.

CHAIRMAN GRAYBILL: O.K. Mr. Champoux, do you have a question?

DELEGATE CHAMPOUX: Yes, sir. You know how I get confused on Saturdays -- and today is Saturday, and I've been hanging around with Charley Mahoney too much. But, two questions, if I may, sir. One -- do not previous motions take precedence? Don't we have another motion on the floor? I'm questioning the order here. And the second thing is, we are approaching this in terms of, as I see it, in terms of opening up this section which has finally gone through final reading. Is there anything that we could do with the General Government thing to reword it to the extent that would show the intent of the Revenue and Finance Committee in terms of this article six, subsection two? Two questions then, sir, if I may.

CHAIRMAN GRAYBILL: Mr. Champoux has asked two good questions. Now, the Chair would like everybody to understand all I'm trying to do is approach this carefully. We are suspending the rules and obviously the rules -- or the Revenue and Finance Committee has a position and obviously others have a position and we have a problem, and you may do anything eventually, but we're going to try to do it step by step here,

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and Mr. Habedank raised an issue. The Chair ruled that motions to suspend the rules were out of order in the middle of the discussion of General Government, and no one challenged him on that, but Mr. Habedank pointed out that that still left us with a very bad problem, and so the Chair is considering what to do in that regard, and the next thing the Chair did was then ask the Revenue and Finance Committee if they could clarify their language and when I found out they could, I then asked them if they could state a motion to suspend the rules within only that clarification so that we wouldn't get on three or four other things. Now, that's where we stand, but Mr. Champoux is correct that Mr. Harper's motion to delete is pending and we've now checked the rules and this is the way the situation stands. On Committee of the Whole debate, and for that matter, in the Convention as a whole, a motion to reconsider is in order. Nothing is said one way or the other about the motion to suspend the rules which obviously in this case is for the purpose of reconsidering but is technically not to reconsider, so the Chair could probably go either way and say that a motion to suspend the rules is obviously a motion to reconsider, or it could go the other way and say it isn't technically a motion to reconsider. Mr. Harper, you came in late. Are you aware of the quandry that we're in? How do you like it?

(Laughter)

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DELEGATE HARPER: I'd like it just fine if we can do the sensible thing about resolving it and I'll be glad to tell you what that is, if you'll ask me.

CHAIRMAN GRAYBILL: Well, the Chair is aware it can do two things. It could let you withdraw your motion so that the motion to suspend the rules would be in order, except that I would then be faced with Mr. Etchart's motion to move the whole section, and I could probably get him to back off, too, or the Chair could rule that a motion to suspend the rules is in fact a reconsideration in this case, and go the other way. Or, third, the Chair could tell you all to wait until you're through discussing General Government and go back and handle this tomorrow.

DELEGATE HARPER: If the Chair would suffer a suggestion from the floor, why don't you just do suggestion number two and then we'll be right going. Just consider this a motion to reconsider and let us act on this and then we can -- or if you want us to back off, I'm willing to back.

CHAIRMAN GRAYBILL: No, I think maybe your suggestion is just as good.

DELEGATE HARPER: Thank you.

CHAIRMAN GRAYBILL: Mr. Mahoney, do you have any direction for the Chair?

DELEGATE MAHONEY: Mr. Chairman, I would like to see -- and I think it would be -- look quite funny on the

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journal to be in the middle of this and then move to reconsider another branch. Now, if we just got the motion to get out of General Government and get over on that, it would be all right but I'd like to see that we get out of this one and I think this is probably technical but I think it does make it easier. It would make it much easier for the Chair to make a ruling, and I think the Chair is being very fair in this ruling, and I think you're really going over -- I mean, I question the right to suspend the rules and a motion is pending would be exactly in order. Now, Mr. Harper withdraws his motion, then I think the nicest thing would be to do is just get off General Government temporarily and ask to go into the other and general orders and then you could do it. I mean, I'm just trying to get out of one and into the other and not have two things being cluttering up the journal there, and I might be all wrong, but this is my suggestion.

CHAIRMAN GRAYBILL: Are you saying that if I ask Mr. Harper to withdraw and then I ask Mr. Etchart to withdraw so that we weren't actually considering section four at the moment, that we could then, without objection, hear a motion to suspend the rules? Is that what you're suggesting, Mr. Mahoney?

DELEGATE MAHONEY: That we suspend the rules to go back on and get this -- I'm trying to get you out of General Government back into Revenue and Finance. This is what I'm

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trying to do -- and the record. This is what I'm trying to do and I think that would be in order.

CHAIRMAN GRAYBILL: Mr. Brown, do you have any suggestions?

DELEGATE BROWN: Yes, I'd like to make one, too.

(Laughter)

DELEGATE BROWN: I think everybody here is concerned and they know we are trying to suspend the rules in good faith. What I would like to do is see Delegate Harper stay with his motion, and I assume that it will prevail, and that part will be deleted. Then, go ahead and finish General Government and then at the proper time, move to suspend the rules to go back into Revenue. If the body would not do that, then we could come back to this section and put the provision back in, but let's move through General Government and trust the body to go back to Revenue and Finance and clean it up later.

CHAIRMAN GRAYBILL: Mr. McDonough, do you have a suggestion?

DELEGATE McDONOUGH: No, Mr. President, I just agree with Mr. Brown. That gives the Revenue and Finance a little more time to think about the wording they might want to add or subtract to subsection two, and the Convention can still go about its business.

CHAIRMAN GRAYBILL: Well, I'll hear Mrs. Robinson.

DELEGATE ROBINSON: I just have one suggestion, that

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the next time you appoint a revenue and taxation committee, you ought to consider putting a woman on it.

(Laughter)

CHAIRMAN GRAYBILL: So we could change our mind more easily?

(Laughter)

CHAIRMAN GRAYBILL: I could get -- Mrs. Mansfield might go on it for me.

(Laughter)

CHAIRMAN GRAYBILL: Mr. Choate, I'll hear you.

DELEGATE CHOATE: All right, Mr. Chairman. I think I might have the only other pertinent comment that could be added to all of this. It might be that we are at the same point that this fellow was a long time ago, on an historic occasion, when he said, well, outside of that, Mrs. Lincoln, how did you enjoy the play?

(Laughter)

CHAIRMAN GRAYBILL: All right, now, having been duly -- Mr. Wilson, would you like to suggest to the Chair?

DELEGATE WILSON: Yes, I would, Mr. President. I think you're on General Government and I think you should stay there. I think you should finish the article and then at that appropriate time, if there is need for consideration of this article on revenue and finance, I have faith in this body that they will come back to it and make such adjustment as is nec-

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essary.

CHAIRMAN GRAYBILL: Mr. Dahood, would you like to instruct the Chair?

DELEGATE DAHOOD: No, Mr. Chairman. I moved to suspend the rules. I'm going to withdraw that motion. I think what Delegate Brown suggested might be the best way to take care of it. I withdraw the motion to suspend the rules.

CHAIRMAN GRAYBILL: Mr. Scanlin, do you want to instruct me?

DELEGATE SCANLIN: No, I was just going to put a question to the Chair, but if we're going to withdraw everything, I'll withdraw my question.

CHAIRMAN GRAYBILL: Well, the Chair has thought about it and I appreciate -- I really do appreciate the patience the body has shown and the help I've had from some of the experts in the field. I think I was right in the first place not to break this article up and I'm going to overrule Mr. Dahood's, or Mr. McDonough's motion that I asked for, whoever it is, and I'm going to tell Mr. Habedank that I think he is absolutely right, morally, but he fouls me up parliamentary-wise, and I'm going to suggest that we finish the General Government article and ask if the Revenue and Finance Committee then want to, they can do what Mr. Aronow and Mr. -- whoever it was this morning wanted to do for the clerk of court and we'll have them do that all at one time and get that all out

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of the way. So, we're going to go back to -- I'm going to move that -- I'm going to rule that all of these motions are out of order back to Harper. We are on Harper's motion. You're either going to have to accept it or defeat it, and then we'll clean this up afterwards. So, we're on Harper's motion unless someone wants to challenge the ruling of the Chair.

Mr. Gysler.

DELEGATE GYSLER: Mr. Chairman, I just wanted to say that I have been looking for a long time for something of Delegate Harper's that I could support in extended debate, and I have found it.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: I think you're on the right track now and I support Mr. Harper's amendment.

CHAIRMAN GRAYBILL: Mr. Kamhoot.

DELEGATE KAMHOOT: Mr. Chairman, I am really worried at this point because I fear I must not understand it because I'm going to have to support Delegate Harper. Thank you.

(Laughter)

CHAIRMAN GRAYBILL: Do you want to change your motion, Mr. Harper?

(Laughter)

DELEGATE HARPER: I'm beginning to wonder about

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this motion.

(Laughter)

DELEGATE HARPER: Maybe I didn't think it through enough. You know, there was a little paper that was passed to us the other day--I don't know from whom--self evaluation sheet for Con-Con members. Did you see it? The last section, (e), is on communications. You are supposed, as a Con-Con member -- it doesn't say chairman -- to check one of these: talks with God -- this is on communications -- talks with angels, talks to himself, argues with himself, loses arguments with himself.

(Laughter)

DELEGATE HARPER: I will check the last and close and leave it to the body.

CHAIRMAN GRAYBILL: Mrs. Babcock.

DELEGATE BABCOCK: I just wanted to apologize to Mr. Harper for wanting him to build a canoe, and I'll support his motion, too.

CHAIRMAN GRAYBILL: Mr. Studer, what's this got to do with your motion?

DELEGATE STUDER: I just want to -- if he really wants to be worried, I support his motion, too.

(Laughter)

CHAIRMAN GRAYBILL: Well, very well, the Chair just having checked loses argument with himself, I will now put Mr.

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Harper's motion. All in favor of Mr. Harper's motion, which is to strike the additional language that the committee added here to section four, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Ayes have it and that language is deleted. Is there other discussion about section four?

(No response)

CHAIRMAN GRAYBILL: Very well, members of this committee, you have before you for your consideration on the recommendation of Mr. Etchart, that when this committee does arise and report, after having had under consideration section four, as amended, that we recommend the same be adopted. All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: Section four as amended is adopted. Will the Clerk read section five?

CLERK HANSON: (Reading) Section five, Referendum. Subsection one. The people may approve or reject acts of the legislature by referendum, except appropriations of money. A referendum may be ordered by the legislative assembly, or upon

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petition signed by five percent or more of the legal voters in each of one-third or more of the legislative representative districts and the total number of signers must be five percent or more of the total legal voters of the state. Referendum petitions must be filed with the secretary of state no later than six months after adjournment of the legislative assembly which passed the bill. (End reading) Mr. Chairman, section five, subsection one.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman, I move that when this committee does arise and report, after having had under consideration General Government proposal number twelve, section five, it recommend the same be adopted.

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: This section contains the procedure for the two forms of statutory referendum, as agreed upon by the General Government and Legislative Committees. This provision is parallel to the present referendum provisions as contained in article five, section one, of the present Constitution. The only changes are the petition requirements, which the General Government felt should be set at five percent of the legal voters. Well, incidentally, this isn't a change now because this is the way it was. But, one-third or more of the legislative representative districts are adopted and

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more of the total legal voters of the state for the petition referendum, so the committee set the petition requirement for requiring suspension of enforcement of a matter to be referred at fifteen percent of the whole number of legal voters of a majority of the legislative representative districts of the state, and this provision is the same as is in the present Constitution, so this is quite close to what we have in the present Constitution. It's five percent, in line with what we did in initiative. I think that it's been pretty well discussed and should be ready for adoption.

CHAIRMAN GRAYBILL: Very well, members of the committee, you have before you for your consideration on the recommendation of Mr. Etchart that when this committee does arise and report, after having had under consideration section five, that we recommend it be adopted. Subsection one, only. All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Mr. Clerk, read section two -- subsection two.

CLERK HANSON: (Reading) Section five, subsection two. Acts of the legislature referred to the people are in full force and effect unless suspended by petitions signed by fifteen percent of the legal voters of a majority of the whole

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number of the legislative representative districts of the state, in which case the law shall be inoperative until such time as it shall be passed upon at an election, and the result has been determined and declared as provided by law. (End reading) Mr. Chairman, section five, subsection two.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman, I move that when this committee does arise and report, after having had under consideration General Government article number twelve, subsection two, it recommend the same be adopted. Mr. Chairman, I covered this in my previous remarks and move for its adoption.

CHAIRMAN GRAYBILL: Any discussion?

(No response)

CHAIRMAN GRAYBILL: Very well, you've heard Mr. Etchart's motion that we adopt subsection two. All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed?

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Read section six, please.

CLERK HANSON: (Reading) Section six, Elections: All measures referred to the people shall be voted upon at the regular biennial election unless a special election is

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ordered by the legislative assembly. (End reading) Mr. Chairman, section six.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: I move that when this committee does arise and report, after having had under consideration General Government proposal number twelve, section six, it recommend the same be adopted.

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: This section is self-explanatory and should be non-controversial. I urge your adoption.

CHAIRMAN GRAYBILL: Is there any discussion of section six?

(No response)

CHAIRMAN GRAYBILL: You have heard Mr. Etchart's motion. All in favor of Section Six, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Section seven.

CLERK HANSON: (Reading) Section seven, Legal Voters: The number of legal voters for each legislative representative district and for the state is determined by the votes cast for the office of governor in the regular election immediately preceding filing of petitions for initiative or

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referendum measures. (End reading) Mr. Chairman, section seven.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman, I move that when this committee does arise and report, after having had under consideration General Government proposal number twelve, section seven, it recommend the same be adopted.

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: The section is also self-explanatory. The only thing I would like to point out here is that we inserted the language, for the office of governor, instead of just for governor, and -- so there couldn't be any question that the votes cast would be just for the man instead of for the office, and this language would cover the votes cast for all of the candidates, or the two candidates running for governor.

CHAIRMAN GRAYBILL: Any discussion?

(No response)

CHAIRMAN GRAYBILL: Very well --

Mr. Schiltz.

DELEGATE SCHILTZ: Will the gentleman, Mr. Etchart, yield to a question, please?

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: Yes.

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DELEGATE SCHILTZ: Mr. Etchart, what is the intent of your committee with regard to the term, regular elections? Do you mean general election or any regularly held election, or what?

DELEGATE ETCHART: I think this would be a general election.

DELEGATE SCHILTZ: Would the gentleman yield?

DELEGATE ETCHART: Yes, sir, I yield.

DELEGATE SCHILTZ: Would you mind if Style and Drafting inserted general in there?

DELEGATE ETCHART: We would have no objection.

CHAIRMAN GRAYBILL: Is there other discussion of section seven?

(No response)

CHAIRMAN GRAYBILL: Members of the committee, you have before you, upon the recommendation of Mr. Etchart, that when this committee does arise and report, after having had under consideration section seven, that we recommend it be adopted. All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: Section seven is adopted. Section eight.

CLERK HANSON: (Reading) Section eight, Guberna-

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torial Veto. The governor does not have power to veto initiative or referendum measures. (End reading) Mr. Chairman, section eight.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman, I move that when this committee does arise and report, after having had under consideration General Government report number twelve, section seven, it recommend the same be adopted. Section eight, correction.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman, this section prohibits the governor from vetoing an initiative or referendum. The present Constitution also contains such a provision. The committee feels one man should not have the power to overturn a decision made by a majority of the state's electorate. This is the reason for including this section.

CHAIRMAN GRAYBILL: Mr. Joyce.

DELEGATE JOYCE: Mr. Chairman, I just want to call to the attention of the body -- I suppose everybody already knows it -- that this same matter is already covered in section ten of the Executive Committee, which has passed and I'm in an anomalous position. I remember one time here I insisted that something about the veto power be included in the Executive article, even though it was in the Legislative, and I don't know if the General Government people are all that touchy

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or -- what's the word? -- proud of their work, but at any rate it is covered under section ten and I just wondered if they wanted it stated here again, or what's their pleasure?

CHAIRMAN GRAYBILL: Mr. Brown.

DELEGATE BROWN: Mr. Chairman, I believe Mr. Joyce is right. We wrote this article prior to the time we voted on yours and we also took this article out of our constitutional revision, and it is unnecessary and I will now move to delete it, section eight.

CHAIRMAN GRAYBILL: Mr. Brown moves to delete section eight.

Mr. Mahoney.

DELEGATE MAHONEY: Mr. Chairman, might I ask either Mr. Brown or Mr. Joyce what they have said in the other article?

DELEGATE JOYCE: Are you asking me, Charley? I have it in front of me if you --

DELEGATE MAHONEY: Good.

DELEGATE JOYCE: I did have. Section ten of the Executive article says that all bills passed by the legislature except bills proposing amendments to the Montana Constitution, bills ratifying proposed amendments to the United States Constitution, resolutions -- and here are the key words -- and initiative and referendum measures, shall be submitted to the governor for his signature. All those things -- all bills ex-

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cept those shall be submitted to the governor, and so the point is, he may not veto those.

DELEGATE MAHONEY: That's fine, Mr. Chairman, that's all I wanted to know. I didn't want him vetoing constitutional amendments.

CHAIRMAN GRAYBILL: Mr. Joyce, do you have anything further?

DELEGATE JOYCE: No, I don't.

CHAIRMAN GRAYBILL: Any further discussion of Mr. Brown's motion to delete?

(No response)

CHAIRMAN GRAYBILL: All in favor of Mr. Brown's motion to delete, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: The Ayes have it and section eight is deleted. Section nine, Mr. Clerk.

CLERK HANSON: (Reading) Section nine, Restriction: This article is not applicable to constitutional revision as covered in article blank of this Constitution. (End reading) Mr. Chairman, section nine.

DELEGATE ETCHART: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: I move that when this committee

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does rise and report, after having under consideration General Government proposal number twelve, section nine, it recommend the same be adopted. Mr. Chairman, this section is included to prevent any confusion with the initiative and referendum provisions on constitutional revision that are otherwise created in the Constitution, which is our number two proposal from General Government, and we thought we should have this in there to keep the two separated.

CHAIRMAN GRAYBILL: Mr. Etchart, the Chair is confused. Explain a little more.

DELEGATE ETCHART: As you know, we provided in our constitutional revision article for amending the Constitution by initiative, and we also have an initiative provision in this article, and we wanted it clear that these provisions do not apply to the constitutional article.

CHAIRMAN GRAYBILL: I see. Is there discussion of section nine?

(No response)

CHAIRMAN GRAYBILL: All in favor of section nine say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted. Section ten.

CLERK HANSON: (Reading) Section ten, Recall:

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Laws shall be enacted to provide for the recall of all elected officials of the state and of its political subdivisions upon petition of electors equal in number to twenty-five percent of the number of persons voting in the last preceding election for the office of governor in the state or political subdivision of the official sought to be recalled. (End reading) Mr. Chairman, section ten.

CHAIRMAN GRAYBILL: Mr. Vermillion.

DELEGATE VERMILLION: Mr. Chairman, I move that when this committee does rise and report, having had under consideration section ten of the General Government report number twelve, it consider the same be adopted.

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Vermillion.

DELEGATE VERMILLION: This section on recall is quite similar to twelve other state constitutions, and there are twelve other states which have, by constitutional provision, provided for recall of elected officials. Now, I mentioned before and I maintain that we have to consider, and I consider, elected officials not the masters of the people but the servants of the people. They are the employees, in a sense, and the people have the right not only to elect these people but if for whatever reason they deem necessary, they have -- they should have the right to recall them. I would point out that this twenty-five percent requirement for the number of people

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to sign that petition is very, very high. I recall one of the other Delegates earlier in this Convention talking about petition signing and he remarked how tough it was just to get eight percent to get an initiative passed in the state, and twenty-five percent is more than three times that number. Also, I'd like to point out that one of the states that has constitutional provision for recall is California. Now, we've all had this pocketbook that many of us have been reading, called The Sometimes Government, which rates California the number one legislature in the country in terms of efficiency and responsiveness to the people, and it rates Montana number forty-three. Well, California has a recall provision and it requires only twelve percent for all elected officials to be recalled. We are requiring twenty-five percent. I should point out that that twenty-five percent does not mean that the elected official is in effect fired, but that merely means he would stand for election against an opponent or perhaps some other method that the legislature could provide. Now, there are some who suggest that if the legislators and other elected officials are going to be subject to recall, they are going to be bothered and harassed by people who are going to be bringing petitions to them and these legislators and other elected officials will be under considerable pressure, and I don't think that's true. I think that, as this body has shown, I think the legislature would show that somebody suggesting that they

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are going to run out and get a petition is not going to threaten a legislator who can stand up under that kind of pressure. For the most part, as I point out, twenty-five percent is a very high number. In fact, I am, in a sense, liable to recall at any time and I think anybody who is an employee working for somebody else is, in a sense, under recall -- can be fired at any time -- and you can live with it. There's no great problem there, so I move we adopt this section on recall. I think it is entirely workable. I think it is something that it's the people's right. It's not a privilege we're giving them, but a right they should have, and I think we should adopt this section and put it in the Constitution.

CHAIRMAN GRAYBILL: Mrs. Reichert.

DELEGATE REICHERT: Mr. Chairman, I rise in opposition to the majority proposal on recall. We had a lengthy discussion yesterday concerning recall in the Local Government article. We finally resolved the issue by moving to delete this section. I feel the same reasons we gave yesterday are applicable in this case. We considered recall at some length in our Legislative Committee before we realized that General Government was going to handle it. Therefore, I firmly feel that we should also delete this recall section in this article.

CHAIRMAN GRAYBILL: Mr. Loendorf, you have an amendment before the Chair on this. Do you want it read or not?

DELEGATE LOENDORF: I was of the understanding that

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there was a minority report to delete it. Will that be offered or not?

CHAIRMAN GRAYBILL: Well, let's see, page sixteen. Mr. Etchart, is there a minority report going to be made at this time?

DELEGATE ETCHART: Yes, sir, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: As a substitute motion, I would move that when this committee does rise and report, after having had under consideration this article, that it adopt the minority proposal number two on page sixteen, which is for deletion of the recall provision.

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: We thought that the recall provision was unnecessary and a dangerous harassment that would hinder an elected official in the performance of his duties. Such a provision would tend to disrupt the political processes and keep Montana in a continuous state of confusion. The intent of recall is also basically covered under the present electoral system, as elected officials are subject to recall each time their office is up for election, and we submit that this is plenty of recall. We already have it at our regular elections and that this section should be deleted.

CHAIRMAN GRAYBILL: Mr. Loendorf.

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DELEGATE LOENDORF: Would the Clerk read my motion at this time?

CHAIRMAN GRAYBILL: Will the Clerk read the motion of Mr. Loendorf?

CLERK HANSON: (Reading) Mr. Chairman, I move as a substitute motion to amend section ten, page five, lines twenty-four through thirty of the General Government Committee proposal number twelve, by deleting section ten in its entirety and substituting in lieu thereof the following, quote: Laws may be enacted to provide for recall of all elected officials of the state and its political subdivisions, end quote. Signed, Loendorf. (End reading)

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Loendorf, the Chair is going to -- yours is a substitute motion to the motion to delete, is that it?

DELEGATE LOENDORF: It's a substitute motion, right.

CHAIRMAN GRAYBILL: Well, I guess that will work all right. Mr. Etchart, you made a motion to delete -- right? -- in its entirety, so now we have Mr. Etchart's -- Mr. Loendorf's language before us on a motion to substitute his language for the deletion, and the deletion, of course, would strike out the first language. So, I'll allow two substitute motions instead of the other amendment. Very well, the issue

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is on Mr. Loendorf's motion to substitute the language that has been placed before you on your desks -- is that right?

DELEGATE LOENDORF: That's right, Mr. Chairman.

CHAIRMAN GRAYBILL: In place of Mr. Etchart's motion to delete.

DELEGATE LOENDORF: I guess it has not been placed on the desks. I --

CHAIRMAN GRAYBILL: It is not on the desks?

DELEGATE LOENDORF: I think I can explain it, Mr. Chairman.

CHAIRMAN GRAYBILL: Well, why don't I -- I think they'd better write it down, then, so they know what it is, if they want to -- some of them. Laws may be enacted to provide for the recall of all elected officials of the state and its political subdivisions. That's all there is to it: Laws may be enacted to provide for the recall of all elected officials of the state and its political subdivisions -- that language being in place of the motion to delete, the motion to delete having stricken -- having proposed the striking of section ten in its original form on page five.

Mr. Loendorf.

DELEGATE LOENDORF: Mr. Chairman, my motion was also a motion to delete, the same as Mr. Etchart's, but a substitution. First of all, I would like to say I support Mr. Etchart's motion. I do not believe in constitutionalizing

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recall. I offer this motion merely to give the Delegates a third option. The first--the majority report constitutionalizes recall; Mr. Etchart's motion deletes recall in the Constitution and would make statutory law providing for recall impossible to those offices, and the terms of which are created in the Constitution. The motion I propose would not constitutionalize recall but make it completely optional with the legislature to provide for it. If it is -- if recall is adopted, I think this is the best approach to take for these reasons. It seems to me that providing for recall in the Constitution creates great inflexibility. For example, the terms of various offices will be different. I would think the legislature would not want to provide for recall for offices elected for a very short term, for example, two to four years, whereas, they may want to provide for recall of people elected, say, six to ten years. Also, to make recall effective, I think the legislature would want to provide that a man could not be recalled during, say, the first six months or the first year for the term he's elected. Certainly, you don't want to recall a legislator before he's even gone to the legislature and begin to make decisions. That would defeat the purpose of it. Finally, putting a percentage in a constitution creates a very inflexible and perhaps unworkable situation. Twenty-five percent might be unusually high; it might be impossible to get statewide, or virtually impossible. So, for all these

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reasons, I think we should leave recall up to the legislature. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mrs. Reichert.

DELEGATE REICHERT: Would Mr. Loendorf yield to a question?

DELEGATE LOENDORF: I yield.

DELEGATE REICHERT: I wonder, when you say all elected officials -- in your discussion you spoke about certain groups of officials possibly coming under recall because of the length of their term -- could this somehow be considered discriminatory?

DELEGATE LOENDORF: I guess I don't follow you, Mrs. Reichert.

DELEGATE REICHERT: (Inaudible. Microphone not turned on) -- the legislature states that recall is possible for certain, perhaps judicial officers, do you think this might be discriminatory as far as some of the other public officers are concerned, not being free from recall?

DELEGATE LOENDORF: No, as long as the legislature has good reasons for making the distinction. In fact, certain constitutions do distinguish between various offices. For example, they often provide for recall but exempt the judiciary, and there are good reasons for that.

CHAIRMAN GRAYBILL: Mr. Habedank.

DELEGATE HABEDANK: Mr. President, ladies and gent-

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lemen, I would resist the proposed amendment of Jerry Loendorf. Whether or not the recall provisions of a constitution can constitute harassment or not, is a question that you may decide, but if it is to be allowed, then I think that it is absolutely necessary that the percentage which has been put in here by the committee be retained, as otherwise, you have created a situation where the legislature in its wisdom may be disenchanted with some particular individual and through pressure at a given time, make a low percentage and then change it in regard to someone else. And, it was the feeling of the committee, and is my feeling, that if we are to have recall, the percentage should be high enough that it cannot constitute harassment and it represents a genuine desire of the people of Montana to take some person out of office. We have some people who serve for two years, some for four years, some for six years and now some for eight years, which are fairly long terms, and for that reason and that reason alone, it may be necessary that the people of Montana have an option to recall. I would call to your attention that in the state of North Dakota they have had recall for a long time. It has not amounted to harassment over there, and in their situation they have provided in their constitution that the petition must be signed by electors equal in number to twenty-five percent of those who voted at the preceding general election. The feeling of the majority of the committee was, in response to numerous

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petitions and people who came to us, that a recall section should be offered to this delegation for their decision, but it was also our feeling that if it is offered, it should carry a definite percentage and it should not be discretionary, as has been suggested by Mr. Loendorf. I would, however, move to amend, when the time comes it can be, to correct the word we have eliminated and to help Style and Drafting put general election in between the words, preceding and election, but I would urge you not to support Jerry Loendorf's recommendation.

CHAIRMAN GRAYBILL: Mrs. Robinson.

DELEGATE ROBINSON: Mr. Chairman, I rise in support of Mr. Loendorf's amendment for most of the reasons that Mr. Habedank is against it. Most of the states that have dealt with recall have found that a blanket percentage is very -- it just doesn't work. I think if you want recall, you should make it so it works. If you don't want recall -- for example, Illinois has it and to get a recall on the ballot you have to have fifty-five percent of the voters of the state -- so, obviously, Illinois doesn't really care about recall. Kansas and California have both recognized that twenty-five percent straight across the board isn't meaningful either. They have theirs on a sliding scale. You have a twenty-five percent on the local level, where it's easier to get signatures, and then for at-large elections across the state they have reduced it to fifteen percent, and it's all on a sliding scale according

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to difficulty in ascertaining signatures on a petition. I agree in theory with recall for the very reason that it first began during the progressive era of the United States, to try and make the people feel that they had access to their representatives. If you'll remember, for example, in the last legislative session, one of the reasons the legislature was able to increase the term of mayor and alderman under the aldermanic form of government was that at the same time they instituted recall to these local officials. The notion of recall has helped increase the length of term of certain elected officials and perhaps since we have increased the term of judges in Montana to eight years, recall might not be a bad idea, but I think it's very unwise if the Convention itself believes in recall, to have a blanket twenty-five percent because it just has not worked in other states, and if you don't want it to work, then let's delete it completely.

CHAIRMAN GRAYBILL: Mrs. Blend.

DELEGATE BLEND: Mr. Chairman, I rise in support of Mr. Loendorf's amendment. The majority article is incompatible, as I see it, with Local Government. The administrative problems of determining down to precinct and ward in a local governmental unit would be time consuming, expensive, and so on, and I think the amendment would work much better. Thank you.

CHAIRMAN GRAYBILL: Mr. Harper.

DELEGATE HARPER: Two things, quickly, I think we

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ought to note. One is that when we dealt with this at length in the Local Government article, we constantly referred to this which is being proposed in the General Government article and I think almost everybody had in mind when they voted against that, they probably were voting against the recall motion all the way through or there wouldn't be much sense in doing what we did in the Local Government article. Secondly, just so that -- I think we ought to think this thing all the way through -- let's take a look at twenty-five percent. Twenty-five percent of the voters of a single member district -- now, remember, a legislator runs from a single member district henceforth if this Constitution passes. If, assuming a house of a hundred or a unicameral body of a hundred members, you have something under seven thousand live bodies in each single member district on the one-man, one-vote theory, which I am not sure of these figures, but let's -- most people around here seem to think that would produce about thirty-five hundred voters perhaps--registered voters in that single member district. If you're talking about a particular election, we hardly have over about sixty percent involved in elections. You may be talking about two thousand people. Twenty-five percent of two thousand is five hundred people. Now, getting five hundred signatures in one single member district, say in a city, is not really a tough thing to do, particularly if you have, say, one large union or one large block of anybody who

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happen to be politically opposed to this particular person. Now, a case in point. Idaho has this. Idaho just recently, in a matter of a few months ago, recalled in one district -- someone correct me if I'm wrong on this -- was it three legislators?

UNIDENTIFIED DELEGATE: Two.

DELEGATE HARPER: Two? What was the reason? These were bad people, immoral, not doing what they were supposed to do? No, they went to the legislature and they voted to increase their salaries. They did what the legislature is supposed to do, namely, in Idaho, to vote on the compensation for the legislature. So, these people disagreed with that and they recalled them. And, I could see this -- again, I said this when the local government thing came up -- as sort of a club behind the door where a group says, you know we have more than five hundred signatures we can produce. If you don't vote with our line, then we're going to put you into another election, and I can conceive that in some districts people who were not in line with one certain power block would just feel that they didn't even want to run under those circumstances, knowing that recall hung over them. Now -- and statewide, I can see this in terms of a governor -- the percentage is so large that I don't think we'd have that kind of threat, but with single member districts, I think we ought to bear this in mind. I think that I shall vote against my friend,

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Mr. Loendorf's motion, and in favor of Mr. Etchart's minority proposal.

CHAIRMAN GRAYBILL: Mr. Martin.

DELEGATE MARTIN: Mr. Chairman, as the author of the recall proposal, which I hoped would be a safety valve for the protection of the people, I rise to ask you to defeat the Loendorf amendment and bury my proposal.

(Laughter)

DELEGATE MARTIN: I appeared before the Legislative Committee and got soundly trounced. The Local Government committee gave me a licking, and I felt the pulse of the Convention, and I think I'm licked.

CHAIRMAN GRAYBILL: Mr. Harlow.

DELEGATE HARLOW: Mr. Chairman, sort of in a little salve for Mr. Martin, he appeared before our committee and we did not soundly trounce him. We brought out a majority report, putting in recall in our committee report, and I'm -- well, a little bewildered, like the rest of you Delegates in here. We have a feeling here when this Convention was first conceived and thought of, the thought that was in the mind of many of the people here, as well as many of the voters, was that we have a government that would be responsive to the people and since the Convention has convened and the various winnowing of ideas and personalities and philosophies has taken place, we have that group that has been winnowed out that are strongly

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in support of a more responsive government. We have those, of course, who have been winnowed out who feel that our government right now is too responsive. We should make it so it has less and less response. Now, we come up here with this article dealing with recall, and I find those -- some of those, let's put it, who are supporting responsive government are now opposing methods of making government responsive. Maybe they have been lobbied by somebody, I don't know whom, so I rise in opposition to the Loendorf motion, also in opposition to Mr. Etchart's motion, the minority motion, and in support of the majority. We are also going to longer terms for people. We have very few, if the Constitution is adopted by the people, legislators -- most of them will be elected on a four year term. Many of the two year terms will have disappeared and we are talking of longer and longer terms for elected officials so I think the recall is very essential. What is wrong with allowing the people to correct their mistakes at elections? Why is it so wrong for the people to do that when it's perfectly all right for us here in this assembly. If we make a mistake, why, we come back and get a recall and bring it back out and correct our mistakes. We don't feel that we are harassing ourselves or the article, either one. Maybe we are sort of harassing the article by the time we beat it back and forth over the desks and over eachother's heads, but I feel that we are here on the crossroads of responsive government, and if

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you are in support of responsive government, and a government that will be for the benefit of the people, let's keep the majority report, the recall, here in the Constitution. Thank you.

CHAIRMAN GRAYBILL: Mr. Harrington.

DELEGATE HARRINGTON: Mr. Chairman, I rise to support the deletion of this section. I believe that it's very important that it's deleted. I think that the Delegates from Silver Bow county are a perfect example of this, as far as their voting in this Convention is concerned. Now, there are many different power groups that could be located, say, in Silver Bow county and should, because one of the Delegates feels he is right in the way that he votes, this group could mass a petition for recall against this person, even though this person only voted because what he believed was right, and he may have been right, but because of the feelings that run high during a certain period of time, this could not only injure this person -- his character for the rest of his life -- this recall -- and I think it's a very dangerous thing and I think we should delete it. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mrs. Cross.

DELEGATE CROSS: Mr. Chairman, again, I think we come down to a basic philosophy. This is the forty-ninth day of this Convention. I think I've heard at least ten times a day for forty-nine days that this is a people's convention.

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We have dealt with many important items in this body. I feel that if we really believe in people, we shouldn't be afraid of them. I stand in support of the majority report on recall. If we cannot trust ourselves to run for an office and do what we think people want, then we should have the right to remove us if they so choose.

CHAIRMAN GRAYBILL: Mr. Brown.

DELEGATE BROWN: Mr. Chairman, I'm on the minority report and I support the move to delete recall. They talk about the voice of the people. Actually, this is the voice of a vicious minority. And, I might also add, as Mr. Davis said, on Fridays we don't trust our elected officials but this is Saturday when we do, so we should delete recall.

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Mr. President, I take no position on Saturdays -- just on week days.

Laughter)

CHAIRMAN GRAYBILL: Mr. Wilson.

DELEGATE WILSON: Yes, Mr. President. I wonder what would have happened if this section was in effect at the present time? I seem to recollect that we had several letters -- in fact, hundreds of letters requesting positions that the Delegates should take. I wonder, if they had that privilege, maybe they would have exercised it on some of the Delegates. I support the motion to delete.

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CHAIRMAN GRAYBILL: Mrs. Robinson.

DELEGATE ROBINSON: Mr. Chairman, I would merely like to point out that by having a recall provision and requiring whatever percentage you do, whether it be fifteen or twenty-five percent, it does not mean that you are automatically recalling the person that is in office. This just means that by getting this many signatures, his name will be placed on a ballot on which you will vote to decide whether to keep him in office or to seat him. It's not an automatic thing once you've gotten these signatures on a petition.

CHAIRMAN GRAYBILL: Mr. Gysler.

DELEGATE GYSLER: Mr. Chairman, I've always felt if you can't stand the heat, you don't want to get in the pans, so maybe we'd keep some people out of politics that shouldn't be there if we keep this recall in.

CHAIRMAN GRAYBILL: Mr. Jacobsen.

DELEGATE JACOBSEN: Mr. President, fellow Delegates, our Local Government had recall in it for local officials. We allowed it to be deleted without too much argument because in our present Constitution there is a recall, and I'm going to go along with the majority on this because I think that it should be there, for the reason that I said the other day -- absenteeism in some of our local areas should be reason enough for recall. Thank you.

CHAIRMAN GRAYBILL: Mrs. Reichert.

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DELEGATE REICHERT: I do not agree with Delegate Jacobsen. We do not have a provision for recall in our present Constitution. There is a recall by statute.

CHAIRMAN GRAYBILL: Mr. Nutting.

DELEGATE NUTTING: Mr. Chairman, I rise in support of the Loendorf amendment. Actually, we do have provision for all officials except those expressly mentioned in the Constitution. If they can be -- the legislature can pass recall measures and the Loendorf amendment merely makes it possible for those that have constitutional status, so, therefore, I think it equalizes all people all over the state.

CHAIRMAN GRAYBILL: The question arises on Mr. Loendorf's motion -- substitute motion to substitute this language for the motion to delete. Mr. Loendorf's language reads: Laws may be enacted to provide for the recall of all elected officials of the state and its political subdivisions. It has the effect of letting the legislature enact recall laws. So many as shall be in favor of Mr. Loendorf's motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Chair is in doubt. So many as are in favor, vote Aye; so many as are opposed, vote No. Non-recorded vote. Has every Delegate voted?

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(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Please take the ballot. Well, I don't need to take the ballot. It's forty-three for and forty-one against, so Mr. Loendorf's motion prevails. It's adopted forty-three to forty-one. Very well, is there other language?

(No response)

CHAIRMAN GRAYBILL: Is there any other discussion or debate of section ten, as amended?

Mr. Scanlin.

DELEGATE SCANLIN: Mr. Chairman, I think that all that Mr. Loendorf was trying to say was to put a period after officials on line twenty-five, and change the shall to may on line twenty-four, and that would have made it a lot easier for us to understand what we were doing.

CHAIRMAN GRAYBILL: Well, I did dictate the language to any of you that cared to write it down.

Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman, I would like to renew my motion to delete Mr. Loendorf's substitute motion, if I could.

CHAIRMAN GRAYBILL: Very well, Mr. Etchart now moves

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to delete Mr. Loendorf's motion -- Mr. Loendorf's language. That's to delete amended section ten. Mr. Etchart, do you want to discuss it further?

DELEGATE ETCHART: I think it has been thoroughly discussed and would leave it to a vote of the body.

CHAIRMAN GRAYBILL: Mr. Foster.

DELEGATE FOSTER: Mr. Chairman, fellow Delegates, I made some reference to the question of recall in the Local Government article and I think it's the same as I referred to then is pertinent here, but I certainly have confidence in the voters but I'm concerned that we let a minority of voters overrule the majority, if not directly at least indirectly, and I can see this being used as a club over the head of good officials, but I can also see it being used in the present situation as a club of the legislature over the head of the judicial, and I think that this is particularly disturbing because when the legislature can pass an act which would allow, for example, a petition of one percent of the voters or even a half of a percent of the voters to place a supreme court justice up for a recall election, this is particularly disturbing, and I think the motion of Delegate Etchart should be supported and we should reject this whole section. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Gysler.

DELEGATE GYSLER: Mr. Chairman, I'd just like to

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remind this body that today is an even numbered day, the eighteenth, and it's on this day that we trust the legislature so I hope we defeat the motion to delete.

CHAIRMAN GRAYBILL: Mr. Vermillion.

DELEGATE VERMILLION: Mr. Chairman, is a substitute motion in order?

CHAIRMAN GRAYBILL: A substitute which substitutes an entirely new paragraph is in order, but not to amend Mr. Loendorf's language.

Mr. Davis.

DELEGATE DAVIS: I'd just like to call to Mr. Foster's attention, those same voters he started out saying he trusts their wisdom are going to be electing those legislators to pass these laws, so I support the motion to leave the recall in, as Mr. Loendorf has very wisely affected a good compromise here.

CHAIRMAN GRAYBILL: Very well, the issue is on Mr. Etchart's motion to delete Mr. Loendorf's amended language for section ten.

UNIDENTIFIED DELEGATE: Roll call.

CHAIRMAN GRAYBILL: A roll call is called for. All in favor of deleting the new Loendorf language, vote Aye. All opposed vote No. Have all the Delegates voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change

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his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, take the ballot.

Aasheim	-	Aye	Campbell	-	Absent
Anderson, J.	-	Nay	Cate	-	Aye
Anderson, O.	-	Aye	Champoux	-	Nay
Arbanas	-	Nay	Choate	-	Nay
Arness	-	Nay	Conover	-	Aye
Aronow	-	Nay	Cross	-	Nay
Artz	-	Absent	Dahood	-	Aye
Ask	-	Aye	Davis	-	Nay
Babcock	-	Aye	Delaney	-	Excused
Barnard	-	Aye	Driscoll	-	Absent
Bates	-	Aye	Drum	-	Absent
Belcher	-	Aye	Eck	-	Absent
Berg	-	Nay	Erdmann	-	Nay
Berthelson	-	Absent	Eskildsen	-	Nay
Blaylock	-	Nay	Etchart	-	Aye
Blend	-	Nay	Felt	-	Excused
Bowman	-	Absent	Foster	-	Aye
Brazier	-	Nay	Furlong	-	Absent
Brown	-	Nay	Garlington	-	Aye
Bugbee	-	Nay	Gysler	-	Nay
Burkhardt	-	Nay	Habedank	-	Nay
Cain	-	Nay	Hanson, R. S.	-	Nay

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1	Hanson, R.	-	Nay	Murray	-	Absent
2	Harbaugh	-	Aye	Noble	-	Nay
3	Harlow	-	Nay	Nutting	-	Nay
4	Harper	-	Aye	Payne	-	Nay
5	Harrington	-	Aye	Pemberton	-	Aye
6	Heliker	-	Nay	Rebal	-	Nay
7	Holland	-	Nay	Reichert	-	Nay
8	Jacobsen	-	Nay	Robinson	-	Nay
9	James	-	Nay	Roeder	-	Nay
10	Johnson	-	Nay	Rollins	-	Aye
11	Joyce	-	Aye	Romney	-	Aye
12	Kamhoot	-	Nay	Rygg	-	Absent
13	Kelleher	-	Absent	Scanlin	-	Aye
14	Leuthold	-	Nay	Schiltz	-	Nay
15	Loendorf	-	Aye	Siderius	-	Nay
16	Lorello	-	Nay	Simon	-	Nay
17	Mahoney	-	Aye	Skari	-	Aye
18	Mansfield	-	Aye	Sparks	-	Aye
19	Martin	-	Nay	Speer	-	Nay
20	McCarvel	-	Nay	Studer	-	Aye
21	McDonough	-	Absent	Sullivan	-	Aye
22	McKeon	-	Aye	Swanberg	-	Absent
23	McNeil	-	Nay	Toole	-	Nay
24	Melvin	-	Nay	Van Buskirk	-	Nay
25	Monroe	-	Nay	Vermillion	-	Nay

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Wagner	-	Absent	Wilson	-	Aye
Ward	-	Aye	Woodmansey	-	Nay
Warden	-	Aye	Mr. Chairman	-	Nay

CLERK HANSON: Mr. Chairman, thirty-two Delegates voting Aye, fifty-two voting No.

CHAIRMAN GRAYBILL: Fifty-two having voted No and thirty-two having voted Aye, the motion to delete fails. Very well, is there other discussion of section ten, as amended by Mr. Loendorf?

(No response)

CHAIRMAN GRAYBILL: Members of the committee, you have before you on the recommendation of Mr. Loendorf that when this body arise and report, after having had under consideration section ten as amended, that we recommend that section ten, as amended, be adopted. All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: It's adopted as amended.

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. Chairman, I move that the Committee of the Whole stand in recess until four o'clock this day.

DELEGATES: No.

CHAIRMAN GRAYBILL: Ten minutes to four, how's

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that?

DELEGATES: Yes.

DELEGATE ESKILDSEN: With no objection, would ten minutes to four be all right?

(Laughter)

CHAIRMAN GRAYBILL: Very well, the motion is to recess until ten minutes to four. All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: And so ordered.

(Committee in recess at 3:37 o'clock, P.M.)

(Committee resumed at 3:57 o'clock, P.M.)

CHAIRMAN GRAYBILL: The Committee will be in session.

DELEGATE ESKILDSEN: Mr. Chairman.

CHAIRMAN GRAYBILL: The Committee will be in session. Mr. Eskildsen, for what purpose do you rise?

DELEGATE ESKILDSEN: Mr. Chairman, I rise to let the members of this body note that it is now two minutes to four, and had you followed my motion, you would have plenty of time to have gotten back by four o'clock.

(Laughter)

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CHAIRMAN GRAYBILL: Mr. Eskildsen, this body knows that had your motion been for it, it would have been four-ten before we got going.

(Laughter)

CHAIRMAN GRAYBILL: Very well, members of the body, we are ready to go on to section eleven. I have been asked to announce the order. There are several amendments on section eleven. We'll take the majority first, then the minority. There are amendments at the moment on the desk from Harper, Leuthold, Kamhoot and Ask. There may be others. Will the Clerk please read section eleven.

CLERK HANSON: (Reading) Section eleven, Gambling: All forms of gambling, lotteries, and gift enterprises are prohibited unless authorized by acts of the legislature or by the people through initiative or referendum. (End reading) Mr. Chairman, section eleven.

CHAIRMAN GRAYBILL: Mr. Chairman, I move that when this committee does arise and report, after having had under consideration General Government proposal number twelve, section eleven, it recommend the same be adopted. Mr. Chairman, this section is designed to replace article nineteen, section two, of the present Constitution. The present Constitution prohibits gambling of any kind. The proposed revision would continue this prohibition until the legislature specifically legalizes particular forms. The proposed revision would al-

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leviate a good deal of fear among the people that a constitutional change would open the door to all sorts of gambling problems that do not now exist in the state. The committee revised the specific and inflexible prohibition in the present Constitution because it feels that the legislature should make the rules governing gambling. The committee recommends that if at all possible, the Convention decision on lotteries and gambling -- whatever we adopt today -- be presented to the people as a separate issue when the Constitution is put to a vote.

CHAIRMAN GRAYBILL: Mr. Choate.

DELEGATE CHOATE: Mr. Chairman, I move when this committee does rise and report, after having had under consideration this section eleven, that the minority report be adopted. Section eleven reads: Gambling. All forms of gambling, lotteries, and gift enterprises are prohibited unless authorized by acts of the legislature or by the people through initiative or referendum. The minority proposal and the majority proposal would accomplish the same end with regards to gambling. Both would leave the matter to statutory law, where extensive provisions prohibiting gambling already exist. Neither provision would legalize gambling of any nature. However, the majority proposal constitutionally states that situation. The minority feels that to state something is illegal until made legal is superfluous and redundant. If, as is the

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case, there are laws on the books, the laws will stay in force unless overturned by the court, prohibited by the constitution or changed by the legislature. Discussion of any court action is speculative and neither proposal prohibits the legislature from acting on the present statutory laws. The minority does not feel it is necessary to list a specific instance in which the legislature or people may act when they have been given the general power to so do. Basically, the majority proposal is identical to the minority proposal. The minority feels that the majority provision also could be somewhat confusing to the voters, whereas no mention of gambling would save the confusion resulting from the redundant majority article. The minority would also like to point out that if the majority proposal is adopted, gambling would join treason as a constitutional crime, while such crimes as murder, rape and assault are statutory crimes. In this light, the minority wonders if gambling is really a basic and constitutional issue. Now, as my learned constituent, Breck Shampoo, said the other day -- now, I want to stop here and say something.

(Laughter)

DELEGATE CHOATE: A great deal has been said and doubtless will be said on the issue of gambling and lotteries. From all this, it will become clear that the people of Montana who are, of course, our paramount consideration, do want some moderation in our present prohibition against all forms of

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gambling. We do not propose, nor do the people of this state want, Nevada-type open gambling. Virtually all segments of our society do want to be able to legally play bingo. Possibly a state operated lottery might have some merit. Perhaps some beneficial revenue to Montana might result from it. Maybe other forms of moderate gambling, probably by a mandate of the people. But, to constitutionalize bingo -- really, I don't think it has constitutional status, and I think that this might be something to consider. We have heard about the great silent majority who will rise up and oppose anything that will change our present prohibition against gambling, and I think this is a myth. Here are petitions numbering about forty-one hundred signatures that have been voluntarily submitted to our committee or mailed to me, and I have a total of about forty-nine hundred signatures that have been put on, and this basically says they want the Constitution to legalize gambling. We have no intention of doing that, of course. We had quite a few people who came to our committee and reported -- and testified in support of some form of relaxation of these restrictions and we didn't have any witness who appeared in opposition to it. Many letters did come. Many have been written to me and I'm sure most of you people have had at least some regarding this, in support of it, and of course there have been some written in opposition to it, but I have seen very few of those compared to the number of those who have felt in the affirmative. On

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our statewide radio-telephone program, we had forty-eight phone calls, forty of which were in support of our basic proposal and only eight in opposition to it. We had a telephone conference call with a high school class at Columbus. There were sixty students there. One of the questions we asked them was whether they favored deletion of section two of article nineteen from the Constitution. They took a vote on it and unanimously said yes, they did want it. From all of this above data, it is eminately clear that we do have a mandate from the people to delete this section. The present statutes are likewise eminently clear and all-inclusive in their prohibition of all forms of gambling. I can well recall discussing this issue with my father when he was commissioned by the legislature to do the code revision in 1947, which I know they are still the codes that are being used today in this Convention, and he assured me that under these statutes, all forms of gambling are illegal. Until the legislature changes these laws, they are still in full force and effect. Presently, they can't do that anyway except by constitutional amendment. There are thirty-two laws on the books -- statutes from 94-2401 to 94-2432 -- fourteen pages. They enumerate every game you've ever heard of. These are the statutes on gambling. Then 94-1421 prohibits betting on elections; 94-3001 to 3011 deal with lotteries. There are ten statutes there, or eleven. In the minority, we don't really see much reason to make any reference

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to gambling in the new Constitution. I don't really feel it is necessary for it to be a side issue on the ballot. However, if this be our choice, it would be simpler to put it as a side issue; our present section two could be a side issue on the ballot for people to vote on if they want to sustain what we presently have. Otherwise, make no reference to it because if we do refer to it in the main document, then it will be confusing to have -- to make to reference to it. But, I feel it will help sell the ballot, or the document, I really do, if we simply delete it. The majority of the voters want it that way, I feel, and it may be worthy to note that in both Idaho and Maryland in their new proposed constitutions, had anti-gambling provisions. Both of these were rejected. Of nineteen states that have written new constitutions since 1945, Michigan, I understand, is the only state that asked for and ratified an anti-gambling provision. I think Montana is ready to reject the one we've had since 1889. The legislature, in their wisdom, can surely provide Montana with the sort of gambling legislation that they want. After all, they are the voice of the people and we shouldn't legislate any further up here. I urge you fellow Delegates to support the minority position and delete section two of article nineteen. If nothing else, it would ease the burden on our committee on style. Those guys over there -- I'm always concerned when Jack gets up and says, well, nothing changed here -- nothing substantive -- simply

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language, that's all -- and then you look at it and you find he's emasculated it. Well, it's pretty hard -- it's not a mind-boggling job to style a deletion. I think they could handle that pretty good. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Very well, the Chair understands that the majority section, which is on page six, would authorize all forms of gambling, et cetera, -- would prohibit them unless authorized by the legislature or the people on initiative or referendum; that the minority has proposed that this section be deleted. Now, Mr. Harper is next.

DELEGATE HARPER: Mr. Chairman, would you have the Clerk read my substitute motion for what is before us -- the motion to amend section eleven, page six?

CLERK HANSON: (Reading) Mr. Chairman, I move as a substitute motion to amend section eleven, page six, lines one through four of the General Government committee proposal by striking it in its entirety and inserting in lieu thereof the following words: (quote) The legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall maintain laws prohibiting the sale of lottery or gift enterprise tickets in the state. Signed, Harper. (End reading)

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harper, I'm going to amend that so it says, I move, as a substitute for Mr. Choate's

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motion -- the point is exactly as it was a while ago on the other one. I won't let you amend a deletion but I'll let you put an absolutely new paragraph in in place of it. Now, I understand your motion is on the desks before the body, is that right?

DELEGATES: No.

DELEGATE HARPER: No, but you will find it in the old Constitution. Instead of saying legislative assembly, it says legislature, and it is what is in the present Constitution.

CHAIRMAN GRAYBILL: All right, maybe I'd better read it to them. Some may want to write it down. (Reading) The legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall maintain laws prohibiting the sale of lottery or gift enterprise tickets in the state. (End reading) So the situation is that the majority report has been deleted by -- is proposed to be deleted by Mr. Choate's minority report, and Mr. Harper's language is substituted for the minority report's deletion.

Mr. Harper.

DELEGATE HARPER: Thank you, Mr. Chairman. Some of you guys haven't been in church for a long time. You're getting ready to get a sermon. So, relax -- that's the way the congregation does. The other day on Education, Mr. Champoux moved a pulpit in and set it on his desk, and in spite of the

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length of it, I applauded his idea because I think the pulpit should be in the public forum and that every one of us, in a sense, has to be a minister to the others of us. I think we're really getting down to basic ideas about government when we are talking about gambling. Some implication is -- some have implied that this is not true, but, you know, unless your head is in the sand, one of the crucial issues of our time right now is how long we are going to countenance the subrosa government of criminals and gambling elements that is growing apace in many states and all across this nation and, indeed, all around the world today. And, in writing a Constitution, it's true that we write guidelines for law and organization but also -- and don't forget this -- we help to establish the character of our state, and we set many prohibitions into our Constitution already. There are some things that we do not want our state government to do, and there are some things that we tell them we do want them to do, and we are moving in a perfectly sound and sensible manner in the way of writing constitutions when we consider writing into our new Constitution what we have in our present Constitution, that one thing that we want to prohibit in this state is gambling. We don't want to leave it to the legislature so that every time this legislature meets -- and believe me, it will be every time this legislature meets -- that we have the gambling interests coming -- knock on the door to get this legalized, that legalized,

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step by step, to get the whole business. The legislators are going to have enough pressures upon them without having this constantly upon them, too. Now, there are so many things against legalized gambling that a person who takes his citizenship seriously just wonders where to start, really. It's certain that a state's greatness is measured only in terms of the character of its people. At times our state or local government or any agency, such as a church or civic club, gets pretty hungry for money, but any time that an agency gets so hungry for money that it has to finance itself out of the weaknesses of its own people, it sows the seed of its own destruction. No group is any stronger than the ideals or standards of its people. Now, can anybody make a case for gambling on the basis that it's helpful to personal character building, or in creating a strong society? If I may mix two metaphors, any way you cut the deck, it's heads I win and tails you lose, when it comes to gambling. The only arguments backed by proponents of legalized gambling are these: one, it goes on anyway so we may as well make it legal; two, it's an easy way to make money. The suggestion has been that the state may want in the future to avail itself of this easy opportunity to make money. And, thirdly, actually legalized gambling operators won't act like illegal gambling operators and all three of these arguments are not only false but shallow. If you want to take this something that goes on anyway,

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we might as well make it legal, where will you stop? Allow drug traffic, prostitution, graft in government? An easy way for the state to make money? Well, not if you look at the facts. It's an easy way for gamblers to make money -- ten to twenty billion dollars a year -- but not for the state. If you want an example, we have one. You can look at Nevada -- a crime rate twice the national average and, of course, gambling isn't a crime that anyone can be booked on in Nevada. Forcible rape, robbery, also double the national average. Add a liquor consumption two and six-tenths the national average, and naturally Nevada's motor vehicle death rate is three times the national average. But you say vast sums go into the state coffers from legalized gambling? Well, where it goes from there is a mystery. Nevada's health and welfare services rank below every other state in the Union. Educational systems and facilities are very poor. It has the highest suicide rate in the nation. Where does the money go? Two ways. One is, so many added expenses of controlling the extra crime that Las Vegas and Reno have to have police forces two or three times as large as other United States cities of their size. Welfare expenses will go crazy, and the rest of the money goes to feed the corruption that accompanies gambling everywhere. Now, as to the third argument that legalized gambling people are far different from illegal gambling people, all of the crime commissions -- remember the Kefauver commission -- other

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federal and state and local commissions in late years -- always come to the same conclusion, that gambling in America is a crooked business, run by crooks who -- most often, who have no intention of giving the sucker a chance, and I don't even want to go into the detailed volumes that have been produced on this subject. It's enough to say that thinking citizens of Montana don't want any permissive legislation that may damage persons, and gambling damages persons on many counts. Gambling is psychologically damaging. It chokes a person's achievement and fulfillment, and for a person who is neurotic, gambling can actually become addictive. But for every person, ourselves included, the philosophy of getting something for nothing is always psychologically damaging. By social and ethical rules of American conduct, gambling is an immoral business and it taints those who operate it. Now, when it's kept illegal and occasionally swept under the rug in upheavals of moral reform, gambling has slight opportunity to work its colors into the permanent pattern of American life, but when given a base of legality, as has happened so spectacularly in Nevada, the morals and ethics of gamblers become a part of the accepted pattern of life, and that's not sermonizing. That's just repeating a fact. And here's another fact. Gambling is economically damaging. In the first place the gambling industry is non-productive. It never creates any new wealth. It never performs any useful service. It drains the salaries,

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savings, investments of individuals and families. It serves no human need. Almost invariably, the people who benefit from gambling profit are connected with the destructive vices of our society, so in Wisconsin, Senator Wiley, several years ago, said that every dollar the state raised from gambling revenue caused at least five dollars to be paid out in higher police costs, higher court costs, higher penitentiary costs, higher welfare costs. Where does gambling money come from -- this easy money. Gambling profits always show up as deficits somewhere else, and that means -- and I say it always means the shoe store, the grocery store, the clothing store, the furniture store. Every dollar comes out of one pocket or another. Gambling has always been and always will be a parasite on the legitimate business community. Our state can't stand the social loss of gambling either. Gambling increases crimes like embezzelment. All studies show that the single biggest cause of embezzelment of funds is gambling. The same is true in it adding to broken marriages, neglected children, poverty, even suicide. Now, I maintain, in closing, we just can't afford these losses, particularly -- now, note this -- when what we lose always goes into the treasure chest to keep crime syndicates running. Certainly, nobody in his right mind would want the hoodlum empire controlling most of the United States gambling to become any kind of a dominant factor in Montana society and politics, and yet we would be like the proverbial

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ostrich that sticks his head in the sand to think that we can allow legalized gambling in the future that will not be tied into these nationwide syndicates. The last comment. A lot of people have been writing in to say that they wanted legalized gambling and the implication has been made that if a lot of people had been against it, they would have been writing in, too. We have heard a lot about the issues the people will speak on. I speak now as a churchman. I know something about the church structure and various church groups across this state, and make no mistake about it, there are thousands of Montana people who are going about their normal lives now with no fear of the gambling blight, but their heads will come up out of the sand when this issue comes to light and any constitution removing the protection against organized gambling is going probably to be stuck permanently in the sand of a negative vote.

CHAIRMAN GRAYBILL: Mr. Harper, you have one more minute under the ten minute rule.

DELEGATE HARPER: I don't need it. I'm done, Mr. Chairman, with the final comment that these flowers you see sitting around here, making it look somewhat like a cemetery, are going to be very appropriate, I'm afraid, for the burial of a constitution that takes this article out of the constitution without any chance at least for a popular vote on it.

CHAIRMAN GRAYBILL: Mr. Champoux, I think you were

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up next.

DELEGATE CHAMPOUX: I'd like to direct a question at Mr. Choate here.

CHAIRMAN GRAYBILL: Mr. Choate.

DELEGATE CHOATE: I yield.

DELEGATE CHAMPOUX: Mr. Choate, to allay any suspicions in my mind, or any others in this assembly, that there has been a notorious group pushing this,namely, Don Scandal, King Kong Kelleher, Ima Bleedingheart, Lyman Pure, Breck Shampoo, Pistol Pete Lorello, or Rod Dahood, or that notorious individual, Coffee Cup Kuglin, I'll vote for the measure.

CHAIRMAN GRAYBILL: Mr. Champoux, if you're through, I won't interrupt you.

(Laughter)

DELEGATE CHOATE: If that's a question --

CHAIRMAN GRAYBILL: Very well, Mr. Dahood.

DELEGATE CHOATE: (Inaudible. Microphone not turned on) -- saw one of them once downtown, but I don't recall for sure.

CHAIRMAN GRAYBILL: Very well, Mr. Dahood.

DELEGATE DAHOOD: Mr. Chairman, I am satisfied that I respect Delegate Harper as much as I respect any Delegate in this Constitutional Convention, and in speaking on the issue, I'm not really opposed to the general premises he has put forth today. His argument and his brief, however, are filed

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in the wrong state. We are not here to legalize gambling in the relative terms which he has painted, and with respect to the immorality of gambling, the type of gambling that we are going to be talking about here, which I will come to later on in my remarks, there is no immorality about it. Acts of human conduct fall within two groups, malum prohibitum, because they are prohibited by legislative act by the law of man, or malum in se, because they are prohibited by the law of God or the natural law. Several years back I had the occasion to have a world famous theologian visit in Anaconda. He occupies a very high position in Rome, and I put the question to him, and he stated that gambling as such was not immoral, it was not contrary to the law of God provided it did not bring any type of suffering, chaos, turmoil with the people who participate in that activity or upon the family of the individual who does participate. We are not here talking about the legalized gambling that brings crime, that brings syndication, that brings undesirable elements to the state of Montana. We are talking about removing a law that is unenforceable. I do not imbibe in alcoholic beverage. I would like to see prohibition back again because in my practice of law, I have seen that particular element that's manufactured by man cause more heartache, more heartbreak, more family disunity, more domestic strife than anything else I can point to, and I don't think it serves any good purpose. I don't think it serves any useful

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purpose, and if somebody would move here and now that we re-enact prohibition, I will vote for it, and as my vice chairman, Chet Blaylock said, God forbid.

(Laughter)

DELEGATE DAHOOD: But, what do we have in Montana? We have a situation that makes criminals out of a large segment of our society every day. Every time someone plays a football card or a baseball pool, goes to a bingo game, or has a friendly bet at a football game or a basketball tournament, they are actually violating the law of the state of Montana, and let me assure you, it's only a matter of degree, but they have committed a criminal act. Now, what we are talking about is the present unenforceable constitutional prohibition of the state of Montana that is not reasonable, that is not accepted by the population, and that cannot be just because the majority of citizens of Montana will not honor it. And what is good and what is just for a particular people has to be measured by the manner in which it is implemented by the actions and conduct of those people in this state who we consider to be law abiding citizens that contribute to their communities. What we are talking about is removing a prohibition and placing it on the ballot, letting the people decide whether or not their legislature, their representatives, ought to have the right to permit bingo, to permit perhaps some type of school lottery in the future -- that's the type of thing that I'm talking about.

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I don't want Nevada type gambling in the state of Montana and I don't think any good, sound thinking citizen does, and I think that if we brought that to Montana, allowed it to come here, it would be a disaster for the state, for its economy and for its people, and then we would have all the arguments that Delegate Harper has presented, living arguments that would be a sad lesson for all of us. But, we have situations where people have lonely lives, and if this particular activity, which is not morally wrong -- for example, going to a church bingo party or going to a bingo affair that is conducted by the American Legion, allow some of the lonely retired people to have something to do, something where they can visit, where it is not going to cause them any particular harm, there can be nothing wrong with it. I was in the county attorney's office in Deer Lodge county for several years. I have been in that area for twenty years, since my release from the service. I have watched that particular activity and I know that technically speaking it violates the law, but I have not seen any of that activity that I talk about cause any particular social problems for anyone in the community, and I submit that we've got to face the issue precisely in its proper, fair focus. I don't think it's fair to stand up here and try and relate this particular situation to the legalized gambling that we have in Nevada, to the legalized gambling that's written in the journals and the magazines, because that's not what we're talking

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about at all. And the people of the state of Montana have been upset about this situation over the decades and they ought to have the right to look at it on the ballot and decide whether or not they want to legalize these particular things that I have specified so that everyone in the state of Montana shall have the law fairly and evenly applied with respect to them. At the moment in the state of Montana in one county we have strict enforcement of that particular situation; in another we have laxity with respect to enforcement. We have a case of total imbalance. We have consternation about the law enforcement officers -- they don't know what to do. They know they are unpopular if they do something like that, yet there are certain segments of law enforcement that insist it be done and some will say, continue to enforce an unpopular law, you'll bring about its revision or its abolition. I submit it's time to exercise good judgment and common sense. Let's put it on the ballot, let the people decide because all that we have in mind are the type of things that I have specified and not the type of gambling that was pictured for us by Delegate Harper. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. Chairman, I assume that at this point we are debating the -- generally the three matters, three motions that have been set before us. Is that correct? General debate is directed to all three of these?

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CHAIRMAN GRAYBILL: Yes, general debate can be directed toward all three. I think that the debate at this point demonstrates that we don't want either one of the alternatives that have been set before us so far. I couldn't in good conscience, I don't think, vote for Mr. Harper's amendment or substitute motion. Neither could I vote for a motion which would remove this matter from the Constitution, as both the majority and minority report do. I think that what Mr. Dahood has just said is very true. But, I think that if we don't want the kind of hard core gambling that he referred to in this state, then we had better do something here in this Constitution, and I don't believe that putting this issue on the ballot is the proper way to go about it. The majority and the minority proposal pointed out the fact that we have many statutes on the books at this point, regulating gambling. Why do we have those statutes on the books? We have those statutes on the books precisely because we have a constitutional statement on this issue. Without that constitutional statement, we could very likely have wide open gambling and could have had it for years, and I don't think any of us wants that. If we want our state to be besieged, our legislature to be besieged and harassed by gambling interests, then all we have to do is to take this out of the Constitution and I speak from a background of experience. I spent three years in Wyoming and was closely associated there with a group of citizens who, year

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after year, went before the legislature of the state of Wyoming to try to prevent the passage of legalized gambling bills in that legislature, and we found ourselves powerless before these people who came in and who pushed gambling bills through one house, through the senate or through the house, and an interesting thing would happen. Just when it seemed that everything else had failed as far as we were concerned, almost miraculously, the gambling issue was turned off. And how was it turned off? It was turned off by the Nevada people because they didn't want the competition, and I submit to you that if gambling interests have this kind of power that they can manipulate and control a legislative body in this manner, that we don't want to leave the door open one crack for those people to come in to influence our legislative bodies. The only way to do this, therefore, is to write something in the Constitution which specifically prohibits certain types of gambling. Now, on the other side of the issue we don't want to lock up the door and, as Mr. Dahood suggested, make criminals out of everyone who wants to play bingo, and I'm afraid that this is what -- going back to the old constitutional statement which Mr. Harper is proposing that we do -- would do. So, we need a compromise and the compromise you need is one -- something like the one suggested by Mr. Kamhoot, which is on your desk and which we haven't come to at this point yet. Gambling is a constitutional issue. It's one of the fundamental prin-

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ciples of governmental structure that a constitution should include things which protect the ethical and the moral rights of people. One more point along this line, the law enforcement people throughout this state would welcome, I believe, some type of clear constitutional statement on this issue. No one, from the attorney general down to the lowliest deputy sheriff in this state wants legalized gambling, but I think we could do these people a great service if we could put something into the Constitution in the form of a compromise which would clarify this issue. I know that the proponents of these things always argue that they are going to solve the state's financial crises . They used a very interesting argument in Wyoming when they came in there. They said, we are going to solve the educational problems of this state. We are going to give three percent of the take to education, and in the same breath, those same people turned around and said, there really isn't very much money involved here. How contradictory can you get. There are tremendous sums of money involved when we open this up. So, I urge that we defeat all of these proposals that are before us, and that we go on and pass a suitable compromise, which I think Mr. Kamhoot's article is. Thank you.

CHAIRMAN GRAYBILL: Mr. Scanlin.

DELEGATE SCANLIN: Mr. Chairman, I think that I can agree one hundred percent with what Delegate Harper has

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said, with one exception. I stand for the removal of the image of hypocricy from the Constitution of the state of Montana. I was one of the first, I think, to appear before the General Government committee, one of the preliminary hearings on both the Choate and the Belcher proposals. I testified and I still sustain the deletion proposal. My reasoning was well stated in an article in the Great Falls Tribune, which is now a matter of record. If there is any chance to fight any form of commercialized gambling in the state of Montana, I will be the first to volunteer, but I object to it being a constitutional article. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Toole.

DELEGATE TOOLE: I have been sitting here, shaking in my boots, preparing to answer the onslaught of Reverend Harper. Fortunately, you chose to recognize Delegate Dahood who expressed my feelings precisely, in a much more eloquent way. I really do not react favorably to writing such words as bingo and raffles into the Constitution of the state of Montana. Thirty-five years ago the game of bingo was unknown, and thirty-five years hence, it may be in limbo. I support Mr. Choate's minority proposal. I do not think it will turn Montana into another Nevada. I have been contacted by many people about this and they're not gamblers and I don't gamble so gambling doesn't mean anything to me. I think it's statutory. I told my constituents that it would probably be one of

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the first things that was taken out of our Constitution. It obviously has no place in a constitution. Therefore, Mr. Chairman, I sincerely hope the minority proposal of Mr. Choate will be adopted.

CHAIRMAN GRAYBILL: Mr. Brown.

DELEGATE BROWN: Mr. Chairman, I rise in support of the majority report and I would like to discuss briefly why I think it's a better plan. I have been a county attorney and an attorney and have been involved in this gambling thing and we do have laws now on the books prohibiting gambling but if you read them closely, it says, except cigar stores, et cetera, may have card tables and games of chance as long as they give you trade chips and I've seen how that's abused. Several years ago the legislature passed a law allowing non-profit clubs to have slot machines, so immediately, every bar in the state formed a non-profit corporation and they had slot machines all over the state, and they finally declared that statute unconstitutional due to this present prohibition that we have. So, any gambling law that you write has to be very carefully done and I think you'd have to have investigations like you do on liquor licenses to make sure that places that do have bingo, which I agree with Mr. Dahood's statements, and that form of gambling, if you'd call it such, must be investigated and licensed and make sure that they aren't a fictitious club or a fictitious church. So, I would like the minority

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not adopted because if the legislature isn't careful and if they don't properly define these things, you could have wide open gambling without knowing it and it would happen fast. If you adopt these other amendments that are going to come in and describe bingo, then you're going to describe various gambling games that can be done under a constitutional provision. Now, if you've ever been to Las Vegas, they have what they call Keno and it's one of their biggest games there, and if you start to say in our Constitution that you can have bingo or raffles by non-profit clubs and you get a liberal interpretation of what a non-profit club is by the legislature or the supreme court, or we miss something in here trying to legislate, then you're going to lock in gambling into this Constitution such as you never dreamed about when we passed these provisions, so I think the only safe provision -- this is an emotional issue -- is to retain the language of the majority report, which continues to prohibit all forms of gambling until such as the legislature specifically approves. That will keep a tight rein on it and it will be legislative action after they can deliberate on it and not try to write something into the Constitution. And, I agree with Mr. Dahood's arguments that we aren't trying to do what Delegate Harper said. We are trying to provide what I think a great many of the people want. Now, if they don't want it -- we say that we represent the people and we want to give them a

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voice in our government, then they'll defeat it, but why can't we give them the right to vote on it as a separate issue? And if we take the majority and they vote yes, gambling will still be prohibited -- in fact we made it broader than the present Constitution -- until the legislature can deliberate and tell us what kind of gambling they want, so I respectfully submit you seriously consider these and I've had experience with this trying to define a gambling device -- and adopt the majority report and any abuses can then be corrected by the legislature as they arise. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Melvin.

DELEGATE MELVIN: Mr. Chairman, I rise in support of the remarks of Delegate Brown. I was sheriff at the time they had the fiasco of the non-profit clubs and allowed the slot machines, and I have to take issue with Delegate Harbaugh. I think if we write a lot of definitions into this Constitution, that we're going to find ourselves in deep trouble, and very simply put, I think it should be there shall be no gambling or there shall be gambling, because any time we start adding conditions we are going to find that we have nothing but court trouble, and I speak this as a former law enforcement officer. The Hickey gambling law, which is on the statutes right at the present time, in one section it says that the game of Twenty-One is forbidden to be played. In the next section it says that Black Jack can be played. I'm not too

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familiar with more than Whist, but from what I understand, Black Jack and Twenty-One are pretty much the same, and this is the sort of thing we run into. I would suggest that everybody believes in majority rule or you wouldn't be here, and I would submit that the wisest thing this Convention could do would be to submit this on the ballot as an alternative where the voters can decide whether to leave it to the legislature or whether they decide that they want to have the present provision in the Constitution. Already we have provided putting the death penalty on there. I see nothing the matter with putting a section on having to do with suicide. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Mr. Chairman, I have restrained myself all day. I'd like to say Amen to my brothers Harper and Harbaugh and Brown and all of them. I think this conversation is really excellent. I think it really points up the problem you have on this gambling. Of course, we all know that it's not the churches that really want to get the gambling. I'm sure that we could be pretty well unanimous on that. I mean, the churches aren't advocating legalized gambling, and, of course, the service clubs that each year have those gambling games in the back of the room, like the Elks, and then at the end of the year, at graduation, they give a good citizenship award for the kid that's the best student in government, with

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the money they've made off gambling down there at the bingo and stuff, see? And, no one sees anything wrong in that as long as they are using it to good purpose. So, I suppose what this -- we put this on the ballot, then we can say, now, we picked a hundred people to come from all over the state of Montana, but we don't -- they didn't know whether gambling is really good or bad. We're going to leave that up to you people, but we know all about anti-diversion and education, but that gambling, you know, that's really too fundamental for us to determine, so we're going to let you people determine whether gambling is really what we call reform, better government. Now, we're going to let the people say -- if you think this is going to make a better state and better government, well, let them vote on gambling. You've got a problem leaving it with the legislature. The legislature has met this issue head-on -- 1940 -- 1969, house bill four hundred, was passed, was presented in the forty-first legislature, legalized gambling. Senate bill thirty-nine didn't pass, '69, legalized gambling; '67, house bill 463, let's make a state lottery for the university system and finance education that way -- didn't pass; 1965, house bill 245, legalized gambling; 1965, house bill 135, legalized gambling; 1963, house bill 238, legalized bingo; and there you go. You know, this legislature, as we get near the end of this session, that we've spoken so highly of on Tuesdays and so poorly of on Wednesdays, you know, they stood right up

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and be counted. They've had a chance to put that on the ballot every time, but those poor legislators, they didn't think that was very good law to put out on the books of the state of Montana, so they just said, we'll just take the blame, we'll just take the roasting right here, and they stood up and they were counted, and they didn't put it out on an amendment. They put out other things that they thought were more important, and I would say that whatever issue you take here, let's take 'er standing up and let's take 'er right on the chin. Now, I think we can take a muster here and we've got a lot of eloquent voices and I hate to follow three ministers and a bishop, and Wade's a bishop -- I mean, he's higher when it comes to eloquence than any of them --

(Laughter)

DELEGATE DAVIS: To follow any of those fellows on any of these reform things -- but after doing twenty years in the county attorney's office, law enforcement, and you have all the people come by and say, let's gamble during rodeo -- a civic organization, it's a good thing for the community, you know, and it will be good -- we can put up street signs and that's going to be good. It's a good civic project, and, of course, we don't want the guy next door, now, if a civic organization can do this, the guy next door to him he's in competition with, can't do it -- so, you know, they talk about this thing called free enterprise -- we used to talk about

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years ago, and they say, that doesn't hardly seem fair to us fellows to be running a joint here and paying tax and buying state liquor, and the guy next door at the Elks Club, he can gamble and run us out of business, so we've got all those little problems, the law enforcement people. Now, I stood that for twenty years in my little town as the county attorney and on Wednesdays, I was a pretty good county attorney, and on Tuesdays he got weak again and they'd say we're going to give a fifty dollar scholarship to the best fellow so they're going to have a little bingo down at the Elks on Friday, but the money is going to go to a good cause. And then the church they would have a little bingo. Let's not do it that way. Let's decide here and now exactly whether this is good government, good reform. If you folks think that this is really the kind of issue that you -- there's a doubt in your mind -- I mean, if there's a doubt in your mind that this is one of the real big issues in our society and our government, you know. I had an experience that way. I invaded four houses of ill fame in my community on the same day one time, and that was the worst thing that happened. The A-bomb didn't shake up the town near as much as this. The grocer about went out of business, the drug store, the hairdressers, everybody in town -- the carpenter had his tools locked up, the appliance guy had stuff they're selling on time, and right on down the line. It was the worst economic shock you could get --

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(Laughter)

DELEGATE DAVIS: Juke boxes and pay telephones and everything else were locked up.

(Laughter)

DELEGATE DAVIS: Boy, now those are the kind of issues that are really fundamental in our society.

(Laughter)

DELEGATE DAVIS: And so, let's not pass it any place else. Let's just have the fun all right here ourselves and decide how you want to be counted here. This is going to be great. Let's see if this is one of the big issues of our day in 1972 or not. And shall we send it back to the folks back home and say, that was too much for us, folks, you decide that -- it might be reform but it might not be and we don't want to call it. Thank you.

(Laughter)

CHAIRMAN GRAYBILL: Mr. Johnson.

DELEGATE JOHNSON: Mr. Chairman, now the boys down there in the Little Big Horn in the Powder River country don't understand this raffle business. You don't hear them raffling -- you know, raffling my horse against your forty dollar blanket, or something of this kind. They have a saying down there, ad pune val ad mute -- that means in that vernacular, the cowboys say, put up or shut up.

(Laughter)

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CHAIRMAN GRAYBILL: Mr. Ask, would you like to be next?

DELEGATE ASK: Mr. Chairman, I hate to follow that. I have a motion that's way down at the end of the list here and I don't know if it solves the problem or not, but I agree with Delegate Harper on gambling. I think gambling -- legalizing it is just a license to steal. But, Mr. Dahood has said it very well, it's a real practical problem to Montana and I think we are going to have to decide here today how we are going to handle it. Like Mr. Davis, I can see his idea how we are going to handle it. I think we have to look at this from a practical viewpoint as to what's going to happen. Let's just stop and think. Mr. Choate said he had forty-three hundred names on a petition over there, and I submit we could probably get a thousand names on a petition tonight, a Saturday night in Helena, but I would venture to say that Reverend Harper could get two thousand names in the morning, on Sunday. The people that sign petitions are out activating things all the time. It's the silent majority that we're not listening to here, and I think Delegate Harper is right. He said if we take gambling -- the gambling section out of our Constitution -- the new one that we are going to submit, we're going to lose a lot of support from the silent majority. They're going to come out here and vote against everything good we have done just because we took out gambling. Now, the majority report has it

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in here that gambling is prohibited unless authorized by the legislature or the people. This is not going to satisfy this group of people, I don't think, and to me we don't have too many side issues and I think we should submit this as a side issue. It's an emotional issue to the people and it's not a constitutional issue, it's a moral issue, I guess, and my proposal -- I don't know if I should discuss it but maybe, briefly. What I have done is to submit this to the voter as an alternative. I have taken the majority report here and they can vote for that and then I have taken the first half sentence of the majority that all forms of gambling are prohibited. Now we've got the issue, whether they want the legislature to legalize it or if they want it prohibited absolutely. Now, we are going to get the people that are against gambling to come out and vote for our Constitution and then they have a chance to vote against gambling here, absolutely. And, also the people who are kind of on the fence -- they don't want wide open gambling like Nevada, but they'll say, well, I like this one here where it's prohibited unless the legislature authorizes it, and I think we can talk all afternoon, but I think a solution like this to the people is going to solve our problem and I don't submit it's a good constitutional argument. I'm just saying this is a practical approach and the one that we should take here. Thank you.

CHAIRMAN GRAYBILL: Mr. Arness.

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DELEGATE ARNESS: Mr. Chairman, I wasn't going to talk on this but I can't resist because the loggers have the same saying as the cowboys, and I thought that I should observe that to the body. Also, I would like to support my friend, Mr. Davis. I think his analysis is the correct one and the other day he observed that after ninety days he became a lieutenant, and I think he must have been in the Marines. I like the attack he wants to make and I'd like to join his outfit. Carl, let's go get these guys.

CHAIRMAN GRAYBILL: Mr. Campbell.

DELEGATE CAMPBELL: Being from Missoula, we don't have the problems that Delegate Johnson has in the Powder River country or that Delegate Davis has in the Dillon area. We have a more sophisticated type of sin in our area. I was chairman of the Law Day program about a year and a half ago and I went to a great number of groups to give talks and I told them, you have to respect the law and it depends on the individual and the individual should start in his own lives respecting the law, and they were very much impressed -- business groups, business women and things like this. And then at the end, they'd say, we'd like to thank you very much for being here today and as part of being our guest and everything, we're going to let you draw the winning lottery ticket on who collects the pot today.

(Laughter)

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DELEGATE CAMPBELL: And, this sort of dubious hon-or, you know, sort of made me feel that maybe we're missing our point on this thing. I don't think it's a thing that should be placed on a side issue on the ballot at all. I think that we can decide it here. I think the majority is basically correct, or we could delete it altogether, but I could spend many hours going to respond to Reverend Harper, but I would like to close with just this one poem. It's called, Ode to Reverend George: Your ideals are great for the best in our state/ Your solution most commendable,/ but as you follow your star, accept us as we are,/ and don't make sin unconstitutional. Thank you.

(Laughter)

CHAIRMAN GRAYBILL: Mr. Leuthold.

DELEGATE LEUTHOLD: Would it be proper to submit another proposal at this time, or did you want to take a vote on one of the others?

CHAIRMAN GRAYBILL: You're next up. Let me see here a minute. You want to amend the majority proposal and the majority proposal isn't before us yet. We have to either support or -- the Chair might -- you've heard enough now, the Chair might outline for you what the situation is. We have the majority proposal which would say that gambling is prohibited unless authorized by the legislature or a referendum or initiative. Then you have the minority to delete the lang-

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uage, which really would allow the same thing but not foul up the Constitution with the language. Then you have Mr. Harper's motion to say that -- which, in effect, re-enacts the present Constitutional prohibition against gambling. Now, Mr. Leuthold has an amendment, if we ever get to it, which would allow the -- which would amend the majority report by deleting the words, acts of the legislature, so the legislature couldn't authorize gambling but the people could through initiative or referendum. Then, Mr. Kamhoot has an amendment which would be in lieu of the majority proposal -- the legislative assembly shall have no power except as herein provided to authorize lotteries, et cetera, and shall pass -- to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lotteries, and so forth, provided the games of chance commonly known as bingo and raffles shall be lawful if conducted by bona fide religious, charitable, civic, fraternal and veterans organizations, and that the legislative assembly should enact legislation authorizing the lawful playing of bingo and raffles. So, he would allow some gambling under the legislative control, and then Mr. Ask has the proposal he described which says to put on the ballot two issues: one, section eleven as it is, that the legislature or the people can authorize gambling but otherwise it's illegal; and, two, to make gambling illegal, period. In other words, the people should choose whether to make it il-

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legal or whether to make it illegal only under the legislature. And then Mr. Johnson -- no, I take it back -- that's a new section. Then, Mrs. Reichert has one here, the upshot of which would be to place on the ballot a slightly different thing than Mr. Ask's: The legislature shall have no power to authorize lotteries or gift enterprises for any purpose and shall enact laws to prohibit the sale of lotteries and gift tickets -- similar to Mr. Harper's except that goes on the ballot, yes-no. Now, that's what's in the bag of tricks up here, and Mr. Leuthold, I don't mind putting yours but yours doesn't apply to Harper's which is up next. So, it would seem to me that you could describe it and then go ahead.

DELEGATE LEUTHOLD: I would like to call attention to the Delegates ---

CHAIRMAN GRAYBILL: Hold it a little closer.

DELEGATE LEUTHOLD: I would like to call attention to the Delegates that in the discussion here, why, I feel that my proposal will offer somewhat of a compromise between the two extremes. In my proposal, I merely deleted the legislature. Now, it would have to be submitted to the people either in a referendum or the people would present an initiative to the legislature, so the legislature will be involved, but the final decision would be made by the people. Now, in all our other articles, the Bill of Rights and so forth, we have given power to the people to make decisions, and I think this is one

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place -- it's a serious business, it's been presented as a serious business on the floor and I couldn't preach a sermon like Reverend Harper, but like Delegate Davis, I'd like to say Amen to what he has said, but I think we have to give a little bit and yet not be too restrictive. In the proposal I am presenting, it will still be in the Constitution but it can be submitted to the people, and I hope that you keep that compromise in mind as you do your voting.

CHAIRMAN GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: Mr. Chairman, since 1889 we have had no gambling in Montana --

(Laughter)

DELEGATE ROMNEY: -- and I don't think now is the time for us to start it. I don't battle a bit with Delegate Harper's views about some of the woes that result from gambling. We all know that what he said is largely true, but there are other sides to the coin. I don't think the Constitution of the state of Montana or any other state, or any of our acts of the legislature should be filled with sumptuary legislation, and that's that this is. We have seen the ghastly failure of prohibition. We know that the idea was splendid. I think the late President Hoover called it the noble experiment, but it failed. We recall laws of the puritans. You weren't allowed to kiss your wife in public, things of that character. Didn't work. We have had this anti-gambling thing

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in the Constitution since the Constitution was promulgated in 1889 and every one of us knows that has ever been around the state of Montana at all that it has been outrageously flouted by a large section of the people, and that section of the people were the ones who were victimized largely by their refusal to heed the tenets of the law. The people who responded to the law and heeded it were largely uninjured by the gambling, so I think we've got into a position where we've got to do something about it. I don't like to see a constitutional provision which is flouted, ignored, contemptuously treated. I think that we should have something in our Constitution that we can abide with. So, I think that perhaps it should be placed upon the ballot, as the Delegate from Roundup suggests and as other people have suggested. I think it should be first excerpated from the Constitution in any form whatsoever and placed on the ballot and the people that want to restrict gambling can, if they have the votes, can see to it that the rest of the people who want to gamble can't do it, just like they haven't been able to do it since 1889, and the people who are desirous of gambling can do so, and they -- ones who do not wish, if the gamblers prevail, can still refuse to gamble so that way everybody would have their cup of tea. But, I don't think it's wise to continue the way we have been going since 1889. I think we should face it, as distasteful as the choice may be. It's no worse to place gambling proposition

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before the voters than it is to place the public lynch law on the ballot, and we've done that. So, I think we'd better go ahead and follow the Delegate from Roundup -- take the matter out of the Constitution, let the people decide it, and then go from there.

CHAIRMAN GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, I find in these late weeks that I'm usually very frequently agreeing with both Mr. Harper and with the distinguished gentleman from Ravalli but now I don't have -- I can't agree with both of them, but I must say I couldn't agree more than I do with Mr. Harper. We are stating a document of principle here, one that is going to govern the state of Montana in all the foreseeable future and I think we have to stand on a principle, and that is a principle that denies the institution of gambling, and I don't approve of any left-handed way of avoiding that principle by submitting it to the people, and I assume that that's what Mr. Davis was saying, but I wasn't altogether sure. Now, in addition to that, Mr. Harper's proposal has an extremely practical effect. We can adopt that proposal in about five minutes, and do away with about three hours more of debate on all the other proposals that I can see coming up, and I think he's eminately right besides that. Thank you.

CHAIRMAN GRAYBILL: Mr. Kamhoot.

DELEGATE KAMHOOT: Mr. Chairman, these last two

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speakers have kind of inspired me here. I'm wondering if I'm going to get a chance to introduce this proposal, so I would like to ask you at this time, would it be in order?

CHAIRMAN GRAYBILL: Mr. Leuthold, I would skip over you simply because yours amends a specific one and I'm not trying to go out of order, but yours does amend a specific one that's not before us. In order to get your issue before us, Mr. Kamhoot, if you want to make a substitute motion to Mr. Harper's motion, we'll place yours before the body for a while. May the Clerk read it?

DELEGATE KAMHOOT: Yes, I would like to do that, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Clerk, will you read Mr. Kamhoot's?

CLERK HANSON: (Reading) Mr. Chairman, I move as a substitute motion to Mr. Harper's substitute motion to amend section eleven, page six, of the General Government number twelve committee proposal, line one through four in its entirety and inserting in lieu thereof the following language: (quote) The legislative assembly shall have no power, except as herein provided, to authorize lotteries, or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this state; provided, that games of chance commonly known as bingo and raffles shall be lawful if conducted by bona fide religious, charitable,

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civic, fraternal, or veterans organizations; and further provided, that the legislative assembly shall enact legislation authorizing and regulating the lawful playing of bingo and the conducting of raffles so as to carry the provisions of this section into effect. Signed, Kamhoot. (End reading)

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Kamhoot, has your provision been placed before the Delegates?

DELEGATE KAMHOOT: Mr. Chairman, it has.

CHAIRMAN GRAYBILL: All right, just a moment now. Mr. Blaylock, for what purpose do you rise?

DELEGATE BLAYLOCK: To a point of order.

CHAIRMAN GRAYBILL: All right, what's your point?

DELEGATE BLAYLOCK: To see if I'm right. I thought as I understand it, the majority moved the proposal on gambling --

CHAIRMAN GRAYBILL: Right.

DELEGATE BLAYLOCK: -- then they moved as a substitute the minority proposal.

CHAIRMAN GRAYBILL: Right.

DELEGATE BLAYLOCK: Then, Mr. Harper moved his as a substitute to those two, so we have two substitutes before the body and in the past you have only allowed two substitute proposals at a time.

CHAIRMAN GRAYBILL: Well, Mr. Blaylock, you're par-

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tially right. I have, in the past, allowed three matters at a time, depending on how they were styled. I don't think I have allowed a substitute motion to a substitute motion before. It does seem to me that we have seven possibilities on gambling and I merely want to get all of them before the body. If I would style Kamhoot's an amendment to Harper's, then I would be authorized to do it under the old rule. It doesn't seem to me it makes much difference. Do you object to my putting both of these before the body and letting them debate them all at once?

DELEGATE BLAYLOCK: Yes, I do. I think -- because in the past you have always said, let's clear some of these out, then if we get back to it.

CHAIRMAN GRAYBILL: Well, we've got three more to clear out later. All right, I'll tell you what I'll do. I'll strike the fact that it's a substitute motion. Mr. Kamhoot, I'll allow you to amend Mr. Harper's motion by striking the language thereof and inserting therein your language, which is of a similar nature but with a different aspect to it, and I'll call it an amendment instead of a substitute motion. I'm sorry, Mr. Blaylock. Just a moment.

Mr. Harper.

DELEGATE HARPER: May I simply point out -- I'm just trying to help you a little bit here -- that really Mr. Kamhoot's is an amendment to mine in that it has exactly the

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same wording and then instead of -- he just adds an additional --

CHAIRMAN GRAYBILL: That's right. He adds additional language. He calls --

DELEGATE HARPER: You saw that, I'm sure.

CHAIRMAN GRAYBILL: He called it -- actually he claimed in his written material before you that it was an amendment to the majority proposal, but what he's really doing is adding a sentence to Mr. Harper's. Now, before you start, Mr. Kamhoot, I'd like to set the stage again so that everyone keeps this in mind. The majority says no gambling except the legislature or the people can authorize it. The minority says, delete the entire section because then we'll have the legislature and the people able to authorize it. Mr. Harper says, I'd like the old Constitution to stay, namely, really, no gambling. Mr. Leuthold has an amendment to the majority which hasn't come up here yet, which would simply eliminate the legislature and say we'd have no gambling unless the people allowed it. We have now got Mr. Kamhoot's before us which says no gambling except regulated bingo, et cetera, et cetera, can be authorized to certain people. And then, if we get through these, we have two ballot proposals -- one by Mr. Ask to put section eleven on the ballot and pair it with a no gambling provision and let the people choose. And one by Mrs. Reichert which says, shall we put the old Constitution in? Yes or No.

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Now, that's what is before us and Mr. Kamhoot, if you would like to discuss your proposal to add language to Mr. Harper's, you may do so now.

DELEGATE KAMHOOT: Thank you, Mr. Chairman. I thought it imperative, perhaps, that we get this one out here so we can discuss it before everyone ran down talking about the others and talking about this one before it had been presented. Delegate Dahood is not in the room. I wish that he were. I believe that he gave all of the exact reasons why my amendment should be accepted here today, except that he wanted to go to the trouble of putting it on the ballot, so I certainly thank Wade for that. I think Delegate Brown perhaps said about the same thing, that the legislature could very well control this. That is exactly what my amendment says, that the legislature can control whatever evil may crop up in this. Delegate Romney and Delegate Schiltz back here have really inspired me, though, because they want to get it done right quick and leave it up to the people and let them get to thinking about it. I think Delegate Davis, Delegate Johnson, said it properly. We have to settle it right here and I think this is the place. I'm going to read my opening statement. There are reasons for that and I'm sure that many of you will think about as we go along. I would hope that if the press is here that they pick this up exactly as I read it. This is a subject that I have thought about a good deal in the last several years

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I have never been convinced that open gambling in Montana would be in the best interests of our state. I have no addiction to gambling, as some people do. I can either embrace an open gambling law or not, it wouldn't matter. However, I have had some unpleasant experiences as a result of gambling and I am very interested in removing certain restrictions from our Constitution which prohibit senior citizens from enjoyment of many hours spent in the excitement of playing bingo for insignificant prizes of minor value. I also know that local service clubs have had difficulties in raising funds for their many community projects since they cannot hold raffles to raise funds. This is not an interest that has developed since I came to this Convention. In 1969, I followed very closely the progress of Representative Stratton's bill to have an amendment presented to the voters for their consideration. This bill passed each house of our legislature with a good margin. However, it never got on the ballot due to a governor's veto. I introduced a delegate proposal in this Convention which I hoped would accomplish the same thing. This proposal was rejected by the General Government committee in their deliberations. The proposal was hastily and poorly drawn to accomplish what I really intended, and I agree with the committee's action. Having given more thought, I decided to ask the highest legal office in our state for some very narrow guidelines within which the integrity of our gambling law could be preserved and

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still provide for the enjoyment of our senior citizens and, in addition, provide the means whereby civic clubs could again have a way to raise the badly needed funds for their communit projects. I also feel it is proper and good judgment to hav the confidence and advice of our state legal department. It is this same department that will be living with and enforcing this law if it is adopted here today, and I hope that this body, in its wisdom, will adopt my amendment. I thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Choate.

DELEGATE CHOATE: Mr. Chairman, I would resist the substitute motion, or the amended motion -- whatever -- we'll call it Mr. Kamhoot's -- on the premise that we did study this problem for about a month in committee and, basically, the majority and the minority reports differ very little, the only difference being, in the one instance we have language in the Constitution that makes reference to it and permits legislation to alter it. The minority proposal differs only in that we feel the wordage is redundant and unnecessary because the statutes are clear and very definite and all inclusive. So, a few things are emerging here that appear evident. It seems like we are generally agreed that the proposition, if put to the people, should allow them a choice either way -- to retain the present prohibition that we have, or to allow the legislature to act. I think the legislature does have the abil-

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ity to write a good article or a good statute, I should say, that would permit the kind of gambling that they know the people would prefer. I am sure they are not going to open it to any wide open situation at all, and I think rather than for us to try to draw something hastily here and decide in an hour or two's time that it's a well drawn statute, I think that we would be well to accept either the majority or the minority position, and preferably the minority because in this case, if it's to be placed as a side issue on the ballot, the document could be written with a deletion of section two of article nineteen and then that be placed -- that present section two -- be placed as a side issue. We would only have one for them to keep from being confused by, and this is the reason, basically, why we in the minority felt that a complete deletion of it on the one hand, with a chance to vote on retention of that section on the other. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Mrs. Cain.

DELEGATE CAIN: Well, I'd like to raise another issue, and this is a matter of discrimination. If you accept Mr. Kamhoot's proposal, you are going against my right. I like a game you have not mentioned and I want to play it in a place that you have not allowed.

(Laughter)

CHAIRMAN GRAYBILL: While you're thinking about that --

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(Laughter)

CHAIRMAN GRAYBILL: Mrs. Erdmann.

DELEGATE ERDMANN: Mr. President, I simply rise on a point of inquiry. Would Delegate Kamhoot yield to a question?

DELEGATE KAMHOOT: Yes, I'll yield, Mrs. Erdmann.

DELEGATE ERDMANN: I would like a definition of raffles. This probably shows how limited my experience is but legalized raffles -- would this be legalized lottery? Thank you.

DELEGATE KAMHOOT: Mrs. Erdmann, I suppose one of the lawyers should do this. My idea of a raffle is where you sell chances on perhaps a radio or a freezer or something like these civic groups are always doing. They are trying to raise money that they can spend in their community for the projects that they have, and now they have a very difficult time raising this so the raffle, in my mind, is the selling of these chances so that they can provide the services for their communities. That's my interpretation of a raffle. If an attorney has a different one, why, I would certainly yield to any of them that would like to give it.

CHAIRMAN GRAYBILL: Mr. Belcher.

DELEGATE BELCHER: Mr. Chairman and Delegates, this has been one of the healthiest debates we have had on this floor on one of the most controversial issues, without any

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heated arguments or anything. What we are really getting back to now is exactly what General Government committee, in their weeks of deliberation on this thing, has discussed. We are getting back to the majority or the minority report. They both have the same end, really. The only difference between the majority and the minority report is that the majority report does spell out exactly what the people are voting on. The legislature can enact it or it can be done by referendum. Going back to Delegate Harper's remarks, we have our head in the sand -- I don't think we do. I don't think any of us have our head in the sand. We know people are gambling in this state. I go to church every Sunday that I'm home, if I can, and I went to his church here one Sunday and he gave a very fine sermon. I'm on the board of trustees of my own church in my home town, but on a Saturday night, I may go out and play at a tavern for a dance, too, so I don't think I have my head in the sand and I don't think that the committee did have. I think that we should get to deliberating on these issues and get away with these proposals that are coming in and start voting on them and start eliminating them. I'm in favor of the majority report.

CHAIRMAN GRAYBILL: Mr. Siderius.

DELEGATE SIDERIUS: Just for a point of information, I understand that all these fairs they have parimutuel horse-racing. How are they controlled and how did that get into

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being?

CHAIRMAN GRAYBILL: Mr. Gysler, are you volunteering?

DELEGATE GYSLER: I'm volunteering. Parimutuel betting on horse races is authorized by a statute. It is not authorized under the Constitution. The case has never come up before the supreme court, so just where it stands is anybody's game.

CHAIRMAN GRAYBILL: Mr. Siderius.

DELEGATE SIDERIUS: Will Mr. Gysler yield to a question?

CHAIRMAN GRAYBILL: Mr. Gysler?

DELEGATE GYSLER: I'll yield. I may have told you all I know.

DELEGATE SIDERIUS: Is that considered legal -- legal gambling?

DELEGATE GYSLER: Mr. Siderius, I don't really know what the term legal means. As long as nobody pushes the situation and files the case, I would presume it is going to be legal. I imagine it's legal until declared unlegal.

(Laughter)

DELEGATE SIDERIUS: Will Mr. --

CHAIRMAN GRAYBILL: Mr. Siderius.

DELEGATE SIDERIUS: Will Mr. Loendorf yield to a question?

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CHAIRMAN GRAYBILL: Mr. Loendorf?

DELEGATE LOENDORF: I yield.

DELEGATE SIDERIUS: What is your interpretation of that?

DELEGATE LOENDORF: Yes, Henry. The difference is this, I think. Gambling is defined as something where you pay some money, consideration, you take a chance and can win a prize. At a horse race you pay money, you exercise skill and you win a prize --

(Laughter)

DELEGATE LOENDORF: That's the -- that's why on-track betting is legal; off-track betting, bookmaking is not.

DELEGATE SIDERIUS: Will Mr. Loendorf yield to another question?

DELEGATE LOENDORF: I will yield.

DELEGATE SIDERIUS: Who is -- who would you be betting on, the jockey or the horse in that case?

DELEGATE LOENDORF: When I bet at the races, I'm gambling.

(Laughter)

CHAIRMAN GRAYBILL: All right, Mr. Ward.

DELEGATE WARD: Mr. Chairman, fellow Delegates, I should state my case. I'm a veterinarian and these horses are part of my livelihood, and I would say that anyone who puts a two dollar bet on one of those horses, he's gambling, with no

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question. I don't do too well myself some times and I e- treat them, so -- I'm forbidden to bet on them myself, acc- -ing to statutes. I could tell you how this bill was put through in 1965. I helped lobby it a little bit because I had a selfish interest. This bill was set up to circumvent the Constitution and was passed as a breeders bill. It went through the department of agriculture, and so there's ways of getting around these things. This has a statute in it that designates every race meet, that there be a race held for Montana-bred horses. Now, this means that any horse's papers, the owner's address is in Montana and part of the purse goes back to that owner, no matter if he's changed hands four, five times. It has never met the supreme court test, so when this bill went through they had to repeal all the dog racing laws, which we raced dogs for a while in Montana but now we don't, and of course, this horse racing industry in Montana isn't as big but I expect that as long as we don't go to the supreme court and they rule it out, that it will get bigger. It brings in some income and it's still a two dollar bet.

CHAIRMAN GRAYBILL: Mr. Brown.

DELEGATE BROWN: Mr. Chairman, I think that this parimutuel betting brings up a good example, that if we try and get too restrictive and define bingo and raffles and things, we are going to get in trouble. There's no doubt in my mind that parimutuel betting is unconstitutional, the minute they

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start rocking the boat and taking it up to the supreme court, and Mr. Kamhoot's -- he says bingo and raffles, they shall provide for it. If it's abused, the legislature couldn't do anything about it, so I think, go with the majority, then the legislature -- it will all be prohibited until they make specific exceptions under proper regulations, and put it on the ballot like Mr. Ask has requested, and I hope we can vote.

CHAIRMAN GRAYBILL: Mrs. Cross.

DELEGATE CROSS: Mr. Chairman, the legislature has been brought in here a number of times as the logical body to decide this, and I would like to read a letter from Senator Thiessen from district three, representing McCone and Richland counties. This might help you make up your mind. (Reading) I am convinced that the anti-gambling clause ought to remain in the Constitution. The reason is that legalized gambling is not in the best interests of the state and if you leave it up to the legislature, it brings about a very serious problem when seeking new sources of funding state government. I think the least you can do is to place it on the ballot as an alternate proposal as the North Dakota people did in their final draft. Sincerely, C. R. Thiessen. (End reading)

CHAIRMAN GRAYBILL: Mr. Toole.

DELEGATE TOOLE: Mr. Chairman, Webster defines a raffle as follows: From the French, a dice game; a lottery in which a participant buys a chance to win a prize.

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CHAIRMAN GRAYBILL: Very well, Mr. James.

DELEGATE JAMES: Mr. Chairman, fellow Delegates, I wonder what the odds are on this voting tonight?

CHAIRMAN GRAYBILL: They're pretty good on voting tonight?

(Laughter)

CHAIRMAN GRAYBILL: Mrs. Bates.

DELEGATE BATES: Fellow Delegates, earlier I wanted to give a loud Amen to Mr. Harper, too, and Delegates, I don't know if you've ever heard the explanation of sin -- it's what others do, not what I do, and under Mr. Kamhoot's definition here, all we have to do is be a member of the right church or the right organization and then sin would be all right and it's no longer a sin. Also, our senior citizens -- I have worked with senior citizens throughout the state of Montana. Senior citizens want the right to do something to be of service to the people. They want to feel needed and wanted. I don't really think they want bingo as full time employment but friends, let me tell you that the one-armed bandit is no more addictive than the bingo tables and I have seen this many years ago and -- in the town of Butte, where day after day the same people would be going to the bingo tables. I feel very strongly about keeping this in our Constitution as it now is. If we do not do this, we must give it to the voters for their decision or we will place our Constitution in jeopardy.

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Thank you.

CHAIRMAN GRAYBILL: Now, the Chair is going to ask that we start sticking very strictly to the question here and I think we have all heard quite a bit and if you have something additional to offer, fine, but otherwise let's get ready here to vote pretty soon.

Mr. Harbaugh.

DELEGATE HARBAUGH: Thank you, Mr. Chairman. I thought maybe you were confusing me with this rose here for a little while. I think that really we have missed the point. There are two things that the people want, as I understand it, and I don't think that any of the proposals before us, other than Mr. Kamhoot's, satisfies what the people want, and it seems to me that the two things that they want are this. Number one, they want the assurance that we will not have hard core gambling in the state of Montana, and the only way that we can provide that assurance is by some kind of constitutional statement. Now, both the majority and the minority proposals fail at this point. Secondly, they do want to be free to hold bingo and raffling games. Now, I fail to see how putting this thing on the ballot gives them the choice of what they want, because if we put this on the ballot in the way that has been proposed, they have to choose then, one, either to throw the thing to the legislature, which means opening it up to legalized gambling, or to have no gambling at all, which

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means that they cannot have the social games that they want have, and it seems to me that the only reasonable way out of this solution, even though it probably is not the kind of thing that we would like to see in the Constitution, is to vote for Mr. Kamhoot's proposal or one similar to that.

CHAIRMAN GRAYBILL: Mr. Harlow.

DELEGATE HARLOW: Mr. Chairman, fellow Delegates, as you know, I get disturbed with words. I would like someone to tell me what bona fide religious organizations are, and then I also would like to bring your attention to the fact that section five of the Bill of Rights, dealing with freedom of religion--no laws are to be passed, sort of, about religion--and here if this amendment put forth by Mr. Kamhoot passes, you are passing laws either regulating or giving various privileges to religious organizations, so I think we are not on the right track, and with those few short remarks about what is a bona fide religious organization, and can we pass laws giving religious organizations certain privileges that we do not give someone else, I don't think that we are thinking very clearly. I am opposed to the Kamhoot amendment.

CHAIRMAN GRAYBILL: Mr. Habedank, you were up and I don't want to go out of order.

DELEGATE HABEDANK: Thank you, Mr. President. In response to what Reverend Harper said, I would say Amen. In response to what Mr. Dahood said, I would say so be it. Mr.

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Davis has said that we should decide this issue here and now. I would point out to Mr. Davis that the people of Montana have never been given an opportunity to vote on this question since the first Constitution was adopted. Until this Constitution is adopted, the people have never had an opportunity to propose a constitutional amendment by intiative. It has always been necessary to secure a vote of two-thirds of both houses of the legislature to have a constitutional matter referred to the people, and then they have had to consider whether or not it would come within the three amendments procedure. This will be the first time, if the majority proposal is adopted, and if it is given as an alternative, along with Reverend Harper's proposal, for the people to decide for themselves and settle once and for all this issue, which we think we are so wise to determine. Reverend Harbaugh's proposal does not meet the situation, nor does Mr. Kamhoot's, because we attempt to do here in a matter of hours what the legislature can work out in due care and change if they have made a mistake. We have put directions to the legislature in specifics which are unwise, and I would like to refer to what Bruce Brown said in his remarks about why it is necessary that this go to the people. Bruce Brown, if you know him, is one of the most non-constitutional, everything is statutory people you can meet, and for days and days he argued about we should have this deleted from the Constitution, and it took a lot of thinking on

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his part that the people were entitled to the assurance that some ill-conceived law that may remain on the books might open gambling wide and to bring -- and to come into line with the majority proposal requiring specific action. I agree Mr. Ask. First, I want to cover Mr. Leuthold's amendment. He would strike, by acts of the legislature or, so it would appear that you could do this by the people through initiative or referendum. I would call to Mr. Leuthold's attention that the legislature -- any act of the legislature can now be referred to the people by them and if the people don't like it, it only takes a five percent vote to refer it, and I think it is much better for the legislature to have the chance to struggle with these measures than to have them come in directly through initiative, and for that reason the majority proposal, by acts of the legislature, should remain in there. Mr. Ask has pointed out something very real to all of us. I would like to think that the people have something to vote for in connection with this Constitution, not something to vote against. If we accept Reverend Harper's proposal as it is and left that in the Constitution, all of the people who have never had an opportunity to vote on this question and express their will are being denied. By accepting the majority proposal, if it goes out as an alternate to the people, you can have the majority or you can have the Constitution as it was. The purists can vote against it and those who want the majority proposal can

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vote for it, but they still have the protection of the legislature and initiative and referendum to take care of their positions on how far they want the legislature to go, and I think in all fairness, the people are entitled to finally have a chance to vote on this measure and I think the proposals they should have a chance to vote on are the Constitution as it is now, section two, as put in by Reverend Harper, and the majority proposal, section eleven. And the reason I think section eleven should be in there, rather than the minority, is that it spells out to the people without any arguing, without any talking. You can say that the minority does this, but you are not sure. You think it does. But under section eleven of the majority proposal, anyone voting on it knows that if they do not want to take the purist attitude that Reverend Harper takes and Jack Schiltz takes, that they do know that there will be no gambling which is not authorized by their representatives or by themselves and I urge you to support the majority proposal and put it on the ballot.

CHAIRMAN GRAYBILL: Mr. Burkhardt.

DELEGATE BURKHARDT: Mr. Chairman, I rise to second, I think, what Otto has spoken of, if I understand him. I didn't get sent here primarily to defend or reject the current section on gambling. I came for a number of interests in our Constitution, and I think when we are challenged to the heroic stand of doing this for the people, we may be ignoring

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the situation that we actually are in, and that is that in many reforms in government that we have already written in that we don't want to jeopardize, and I think -- I've just lost a bet. Arbanas sent me a note a moment ago and said, I'll bet you talk before I do, and I lost that bet and -- but it seems to me that what Otto said gives us a chance to put on the ballot a choice between what we currently have and between the section eleven which would -- then we can come and fight in the legislature every year and the Mafia can waste its money here in Helena, trying to get this thing through. I think our people are going to know that they don't want to sell out to this kind of extreme form of legalized gambling that Mr. Harper was outlining, but it would give, in the situation we find outselves in, a strong reason for people to turn out and vote at our constitutional election.

CHAIRMAN GRAYBILL: Very well, the issue is on Mr. Kamhoot's language to not allow gambling except for bingo and raffles under control in the religious, charitable and so forth institutions. Now, are there others that must discuss this?

Mr. Wilson.

DELEGATE WILSON: Mr. President, this has been belabored a lot. I would like to point out to this Convention though, however, that the present statute -- article you have in your Constitution has prevented syndicate gambling from en-

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tering the state of Montana. If this ever happens that they can get into Montana, it's going to propose a lot of problems for law enforcement, and I think law enforcement all over the state is against having this type of personnel get into the state. I would call for a roll call vote on the question, Mr. Chairman.

CHAIRMAN GRAYBILL: We'll have roll call votes. Is there any discussion before we put Mr. Kamhoot's motion?

(No response)

CHAIRMAN GRAYBILL: Very well, the issue is on Mr. Kamhoot's motion that the legislative assembly shall have no power, except as herein provided, to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this state; provided, that games of chance commonly known as bingo and raffles -- bingo and raffles -- shall be lawful if conducted by bona fide religious, charitable, civic, fraternal or veterans organizations; and further provided, that the legislative assembly shall enact legislation authorizing and regulating the lawful playing of bingo and the conducting of raffles so as to carry the provisions of this section into effect.

Mr. Kamhoot.

DELEGATE KAMHOOT: Mr. Chairman, may I close?

CHAIRMAN GRAYBILL: Yes, sir.

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DELEGATE KAMHOOT: I will be very brief. In the majority report it has been mentioned several times that the majority report said they would put it on the ballot. I don't believe it does say that, only in the remarks. Now I realize that there are other amendments that probably will do that. I would like to point that out, though, that as they have it in section eleven, it does not say that they will put it on the ballot. I have had a good deal of mail and other communication on this subject and these have averaged at least three to one to not open Montana up to gambling except as this amendment will provide. It has been pointed out to me, and it is true, that gambling does not create any wealth. It only redistributes it. I have no personal interest in opening this up other than I would certainly love to see some of our senior citizens be able to engage in this exciting and enjoyable thing. I have an amendment here that is very, very closely drawn. The guidelines are very tight. You can talk about it all you want to, but I think you'll find very few reasons, valid reasons, to say that this is not going to control this type of gambling, if you want to call it that. I would rather say it would take it out of the category of calling it gambling, and let a few of these people live out their lives the way they would like to without harming the state by bringing in legalized gambling or submitting the legislature to a tremendous pressure at every session -- one group trying to open

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up the gambling; another group trying to keep it closed. I thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Very well, so many as shall be in favor of Mr. Kamhoot's proposition vote Aye, and so many as shall be opposed, vote No. Has every Delegate voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to -- Mr. Leuthold.

DELEGATE LEUTHOLD: When Delegate Kelleher left, he wanted me to inform you that he and Delegate Murray had paired on all gambling votes.

CHAIRMAN GRAYBILL: Very well. Pairs are not allowed but I guess if they're not here, they're paired.

(Laughter)

CHAIRMAN GRAYBILL: Any other Delegate want to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, take the ballot.

Aasheim	-	Nay	Ask	-	Nay
Anderson, J.	-	Nay	Babcock	-	Aye
Anderson, O.	-	Nay	Barnard	-	Nay
Arbanas	-	Nay	Bates	-	Nay
Arness	-	Nay	Belcher	-	Nay
Aronow	-	Nay	Berg	-	Nay
Artz	-	Aye	Berthelson	-	Nay

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Blaylock	-	Nay	Furlong	-	Nay
Blend	-	Nay	Garlington	-	Aye
Bowman	-	Nay	Gysler	-	Nay
Brazier	-	Nay	Habedank	-	Nay
Brown	-	Nay	Hanson, R. S.	-	Aye
Bugbee	-	Nay	Hanson, R.	-	Aye
Burkhardt	-	Nay	Harbaugh	-	Aye
Cain	-	Nay	Harlow	-	Nay
Campbell	-	Nay	Harper	-	Nay
Cate	-	Nay	Harrington	-	Nay
Champoux	-	Nay	Heliker	-	Nay
Choate	-	Nay	Holland	-	Nay
Conover	-	Nay	Jacobsen	-	Aye
Cross	-	Aye	James	-	Nay
Dahood	-	Nay	Johnson	-	Aye
Davis	-	Aye	Joyce	-	Nay
Delaney	-	Excused	Kamhoot	-	Aye
Driscoll	-	Nay	Kelleher	-	Absent
Drum	-	Absent	Leuthold	-	Nay
Eck	-	Nay	Loendorf	-	Aye
Erdmann	-	Nay	Lorello	-	Nay
Eskildsen	-	Absent	Mahoney	-	Nay
Etchart	-	nay	Mansfield	-	Nay
Felt	-	Excused	Martin	-	Nay
Foster	-	Absent	McCarvel	-	Nay

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McDonough	-	Nay	Schiltz	-	Nay
McKeon	-	Nay	Siderius	-	Nay
McNeil	-	Nay	Simon	-	Nay
Melvin	-	Nay	Skari	-	Nay
Monroe	-	Nay	Sparks	-	Nay
Murray	-	Absent	Speer	-	Nay
Noble	-	Nay	Studer	-	Aye
Nutting	-	Aye	Sullivan	-	Nay
Payne	-	Nay	Swanberg	-	Absent
Pemberton	-	Nay	Toole	-	Nay
Rebal	-	Nay	Van Buskirk	-	Nay
Reichert	-	Nay	Vermillion	-	Nay
Robinson	-	Nay	Wagner	-	Nay
Roeder	-	Nay	Ward	-	Nay
Rollins	-	Nay	Warden	-	Nay
Romney	-	Nay	Wilson	-	Aye
Rygg	-	Nay	Woodmansey	-	Nay
Scanlin	-	Nay	Mr. Chairman	-	Nay

CLERK HANSON: Mr. Chairman, fifteen Delegates voting Aye, seventy-seven voting No.

CHAIRMAN GRAYBILL: Seventy-seven having voted No and fifteen Aye, Mr. Kamhoot's motion is defeated. The issue is now on Mr. Harper's motion, which is the present Constitutional section on gambling and prohibits gambling.

Mr. Scanlin.

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DELEGATE SCANLIN: Mr. Chairman, I think that Delegate Ward has adequately described the term when I used, what I said, hypocricy on our present Constitution. I wonder if Delegate Cain would yield to a question?

CHAIRMAN GRAYBILL: Mrs. Cain?

DELEGATE CAIN: I yield.

DELEGATE SCANLIN: What is the name of your game?

(Laughter)

DELEGATE CAIN: What if I would say penny ante poker?

CHAIRMAN GRAYBILL: Very well, Mr. Harper, I will let you close unless someone else -- if something else doesn't happen -- but I'd like to let the rest of them debate if they want to, Mr. Harper's proposition, shortly.

Mr. Habedank.

DELEGATE HABEDANK: I would like to ask a question, not debate, Mr. President. As I understood, Mr. Ask had a motion up there that would place the majority proposal and Harper's proposal on the ballot. Is this correct? And if we vote against Reverend Harper's proposal, what is the result as far as getting these two issues on the ballot?

CHAIRMAN GRAYBILL: If we vote against Mr. Harper's motion, then I suppose the issue would be open for another substitute motion to put it on the ballot. That would leave the deletion one up. However, I don't see that Mr. Ask's --

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(Indistinguishable remark from floor.)

CHAIRMAN GRAYBILL: Well, I wouldn't say that.

Mr. Ask.

DELEGATE ASK: Mr. Chairman, could I move my motion for all motions now pending, or substitute motion for all motions pending?

CHAIRMAN GRAYBILL: You've placed me back in the position Mr. Blaylock had me but I won't be able to get out so easily. In other words, your particular motion doesn't include Mr. Harper's language, and so it's not going to be easy to amend -- to say that you are amending Mr. Harper's language. He's already a substitute motion. Mr. Blaylock pointed out that I don't generally allow two substitute motions.

DELEGATE ASK: Mr. Chairman, my wording is different but it's the same basic intent -- I mean, much simpler.

CHAIRMAN GRAYBILL: Well, -- but Mrs. Reichert's motion is identical, so you know that puts me in kind of a tough position, doesn't it?

DELEGATE ASK: Well, we can wait, I suppose.

CHAIRMAN GRAYBILL: I don't like to make a second substitute motion, and yours really changes the whole language to a different set of facts.

Mrs. Reichert.

DELEGATE REICHERT: Mr. Chairman, would it help if I made mine now, since it is identical to Reverend Harper's

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except I would like the proposition on the ballot. I'd like to point out the difference between mine and Mr. Ask's is that in the amendment I offered, there is a choice for deletion. In the amendment offered by Mr. Ask, there is no choice for deletion. It's either no gambling at all or gambling such as proposed in the majority proposal through the legislature and initiative, so, therefore, if it is in order, I could place my motion now; otherwise, I'll wait.

CHAIRMAN GRAYBILL: I suppose I could hold it in order, Mrs. Reichert, but it would put us in the position of deciding a lesser thing -- namely, the ballot proposition -- before we have decided on the basic thing, and I would prefer that you let Mr. Harper's motion be voted on one way or the other and then we'll know whether that's the sense of the body. If it's the sense of the body, fine. If it isn't the sense of the body, you will be given an opportunity and so will Mr. Ask to make your motions. Very well, I think we are ready for you, Mr. Harper.

DELEGATE HARPER: Mr. Chairman, I think this is the best process. If my motion is sustained, that will be that. If it's defeated, then these other suggestions can come up like Mr. Ask's very fine suggestion. While his words are not exactly like those words in the present Constitution, I believe that when we examine them we'll find maybe it makes the issue more clear. I would just like to say in closing that I appre-

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ciate Mr. Campbell's poetic gesture a moment ago, although I am forced to observe that it was rather poor poetry, and I'm not so sure but what poor policy. Sometimes -- and I'll put in parenthesis, if not always -- to act on principle turns out to be the most practical way to act in life, and it just -- I've been called a purist. Maybe it's that way. I suppose that my proposition could be put like this, that the only practical way to deal with gambling in a close knit society like ours is to leave it completely alone. With that, I close.

CHAIRMAN GRAYBILL: Very well, the issue, which will be by roll call vote, is on Mr. Harper's substitute motion to put this language: The legislature shall have no power to authorize lotteries or gift enterprises for any purpose and shall maintain laws prohibiting the sale of lottery and gift enterprise tickets in the state, which is the present constitutional amendment, or constitutional language. So many as are in favor, vote Aye; so many as are opposed, vote No. Have all the Delegates voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, take the ballot.

Aasheim	-	Nay	Anderson, O.	-	Nay
Anderson, J.	-	Nay	Arbanas	-	Nay

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1	Arness	-	Nay	Davis	-	Aye
2	Aronow	-	Nay	Delaney	-	Excused
3	Artz	-	Nay	Driscoll	-	Nay
4	Ask	-	Nay	Drum	-	Absent
5	Babcock	-	Aye	Eck	-	Aye
6	Barnard	-	Aye	Erdmann	-	Aye
7	Bates	-	Aye	Eskildsen	-	Absent
8	Belcher	-	Nay	Etchart	-	Nay
9	Berg	-	Aye	Felt	-	Excused
10	Berthelson	-	Aye	Foster	-	Absent
11	Blaylock	-	Aye	Furlong	-	Nay
12	Blend	-	Aye	Garlington	-	Nay
13	Bowman	-	Nay	Gysler	-	Nay
14	Brazier	-	Nay	Habedank	-	Nay
15	Brown	-	Nay	Hanson, R. S.	-	Aye
16	Bugbee	-	Nay	Hanson, R.	-	Aye
17	Burkhardt	-	Nay	Harbaugh	-	Aye
18	Cain	-	Nay	Harlow	-	Nay
19	Campbell	-	Nay	Harper	-	Aye
20	Cate	-	Nay	Harrington	-	Nay
21	Champoux	-	Nay	Heliker	-	Aye
22	Choate	-	Nay	Holland	-	Nay
23	Conover	-	Nay	Jacobsen	-	Nay
24	Cross	-	Aye	James	-	Aye
25	Dahood	-	Nay	Johnson	-	Aye

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Joyce	-	Nay	Roeder	-	Nay
Kamhoot	-	Aye	Rollins	-	Nay
Kelleher	-	Absent	Romney	-	Nay
Leuthold	-	Aye	Rygg	-	Nay
Loendorf	-	Nay	Scanlin	-	Nay
Lorello	-	Nay	Schiltz	-	Aye
Mahoney	-	Aye	Siderius	-	Aye
Mansfield	-	Nay	Simon	-	Aye
Martin	-	Aye	Skari	-	Nay
McCarvel	-	Nay	Sparks	-	Nay
McDonough	-	Nay	Speer	-	Aye
McKeon	-	Nay	Studer	-	Nay
McNeil	-	Aye	Sullivan	-	Nay
Melvin	-	Aye	Swanberg	-	Absent
Monroe	-	Nay	Toole	-	Nay
Murray	-	Absent	Van Buskirk	-	Nay
Noble	-	Nay	Vermillion	-	Nay
Nutting	-	Aye	Wagner	-	Nay
Payne	-	Aye	Ward	-	Nay
Pemberton	-	Nay	Warden	-	Aye
Rebal	-	Nay	Wilson	-	Aye
Reichert	-	Aye	Woodmansey	-	Aye
Robinson	-	Aye	Mr. Chairman	-	Aye

CLERK HANSON: Mr. Chairman, thirty-six Delegates voting Aye, fifty-six voting No.

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CHAIRMAN GRAYBILL: Fifty-six having voted No and thirty-six having voted Aye, Mr. Harper's motion is defeated. Now, the Chair would like to observe that Mr. Choate's minority to delete is up and if either of you other two move to amend that, then the other -- or move to substitute for that, then the other won't be on. It doesn't much matter whether we delete it or whether we leave it alone. Let's defeat or sustain the motion to delete and then we'll offer two amendments -- yours and Mrs. Reichert's -- and find out which way we want to do it, if that's what we want to do. Maybe we want to go back and leave it deleted or maybe we want to go back and leave it the minority report -- or the majority report. Let's get back to the basic proposition before we authorize the ballot thing. Otherwise, we're going to get only one ballot proposition before us at a time. Is that agreeable with you, Mr. Ask?

DELEGATE ASK: Yes.

CHAIRMAN GRAYBILL: Mrs. Reichert?

DELEGATE REICHERT: Yes.

CHAIRMAN GRAYBILL: Very well, we're on yours, Mr. Choate. Do you care to close?

DELEGATE CHOATE: Yes, Mr. Chairman, I'm ready to close, with the understanding that this proposition would permit the placing of our present section two as a side issue on the ballot, because this has been the understanding of both the majority and minority committees, I believe, that the prop-

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osition of the side issue on the ballot could be in either case if this body wishes.

CHAIRMAN GRAYBILL: Well, you see, if we adopt yours we'll have the slate clean and then we're ready to decide what to put on the ballot. If we don't adopt yours, we have got the majority report and somebody can move to amend it and somebody can move to substitute. All right, Mr. Choate has closed, and then proposition then, ladies and gentlemen, by roll call vote, is on the minority report which is to delete the majority report from the Constitution and take all references to gambling out of the Constitution. All in favor vote Aye; all opposed vote No. Have all the Delegates voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, close the ballot.

Aasheim	-	Absent	Babcock	-	Nay
Anderson, J.	-	Aye	Barnard	-	Nay
Anderson, O.	-	Nay	Bates	-	Nay
Arbanas	-	Nay	Belcher	-	Nay
Arness	-	Aye	Berg	-	Nay
Aronow	-	Nay	Berthelson	-	Absent
Artz	-	Nay	Blaylock	-	Nay
Ask	-	Nay	Blend	-	Aye

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1	Bowman	-	Aye	Gysler	-	Nay
2	Brazier	-	Nay	Habedank	-	Nay
3	Brown	-	Nay	Hanson, R. S.	-	Nay
4	Bugbee	-	Nay	Hanson, R.	-	Nay
5	Burkhardt	-	Nay	Harbaugh	-	Nay
6	Cain	-	Aye	Harlow	-	Aye
7	Campbell	-	Aye	Harper	-	Nay
8	Cate	-	Aye	Harrington	-	Aye
9	Champoux	-	Aye	Heliker	-	Nay
10	Choate	-	Aye	Holland	-	Aye
11	Conover	-	Aye	Jacobsen	-	Aye
12	Cross	-	Nay	James	-	Nay
13	Dahood	-	Aye	Johnson	-	Aye
14	Davis	-	Nay	Joyce	-	Nay
15	Delaney	-	Excused	Kamhoot	-	Aye
16	Driscoll	-	Aye	Kelleher	-	Absent
17	Drum	-	Absent	Leuthold	-	Nay
18	Eck	-	Nay	Loendorf	-	Nay
19	Erdmann	-	Nay	Lorello	-	Aye
20	Eskildsen	-	Absent	Mahoney	-	Nay
21	Etchart	-	Nay	Mansfield	-	Nay
22	Felt	-	Excused	Martin	-	Nay
23	Foster	-	Absent	McCarvel	-	Aye
24	Furlong	-	Nay	McDonough	-	Aye
25	Garlington	-	Nay	McKeon	-	Aye

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McNeil	-	Nay	Siderius	-	Nay
Melvin	-	Nay	Simon	-	Aye
Monroe	-	Aye	Skari	-	Nay
Murray	-	Absent	Sparks	-	Nay
Noble	-	Nay	Speer	-	Nay
Nutting	-	Nay	Studer	-	Aye
Payne	-	Nay	Sullivan	-	Nay
Pemberton	-	Aye	Swanberg	-	Absent
Rebal	-	Nay	Toole	-	Aye
Reichert	-	Nay	Van Buskirk	-	Nay
Robinson	-	Nay	Vermillion	-	Nay
Roeder	-	Nay	Wagner	-	Nay
Rollins	-	Nay	Ward	-	Nay
Romney	-	Aye	Warden	-	Nay
Rygg	-	Aye	Wilson	-	Nay
Scanlin	-	Aye	Woodmansey	-	Nay
Schiltz	-	Nay	Mr. Chairman	-	Nay

CLERK HANSON: Mr. Chairman, thirty Delegates voting Aye, sixty voting No.

CHAIRMAN GRAYBILL: Sixty having voted No and thirty Aye, the motion to delete fails and we are back on section eleven.

Mr. Ask.

DELEGATE ASK: Mr. Chairman, could I move my motion as a substitute motion to the majority report and have the

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Clerk read it?

CHAIRMAN GRAYBILL: You may. No, we'll go to Mr. Leuthold's if we ever stay on section eleven. Let's decide the issue now whether we're going to be on the ballot or not.

CLERK HANSON: (Reading) Mr. Chairman, I move that an alternative section to section eleven, page six, of the General Government proposal number twelve, be submitted with the new Constitution as a separate issue. The following proposal should be submitted: Section eleven, Gambling. All forms of gambling, lotteries and gift enterprises are prohibited unless authorized by acts of the legislature or by the people through initiative or referendum. Section eleven, Gambling. All forms of gambling, lotteries and gift enterprises are prohibited. Signed, Ask. (End reading)

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Ask, is your proposal on the desks?

DELEGATE ASK: No, it is not. They said printing is closed, so --

CHAIRMAN GRAYBILL: Yes, that's right. Well, let me just state it. To summarize Mr. Ask's proposal, it is -- and you may want to take notes on this -- that section eleven as it exists on page six be one alternative, and that the first line of section eleven, putting a period after prohibited, be the other alternative. In other words, we are either going

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to have under his proposal gambling -- or no gambling except that the legislature or the people may do it, or we're going to have no gambling. Now, Mr. Ask, do you want to explain that and then I'll go to Mrs. Reichert.

DELEGATE ASK: Yes. Mr. Chairman, fellow Delegates, this proposal puts the majority report and then the first line of the majority report on the ballot, and I think we have discussed it enough, the pros and cons of putting it on the ballot or not, or gambling, and I won't go into that. The only thing I would say, that they mentioned that Mr. Harper and Mrs. Reichert are going to put in the old section two, and the reason I used the first line of the present section eleven is it's much clearer. If you look at the old section two, it says: The legislative assembly shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws -- and shall pass laws prohibit all -- the sale of lottery of gift enterprise tickets in this state. What I'm saying in my alternate here is, all forms of gambling, lotteries and gift enterprises are prohibited -- is prohibited. It will be clearer to the voters when they are voting whether they're voting for item number one or item number two. They're exact wording. One says it's prohibited; the other says it's prohibited unless authorized by acts of the legislature. And some may say, well, why don't you just put one alternate on there, and I don't think that's quite fair, either, to just say

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just -- this is a half way compromise between the peop[illegible] think there ought to be some allowance of gambling -- in other words, you just say, no gambling or just leave it up to the legislature. I mean, it's got to be -- this is kind of in between, and I think that this should be clear and if this body does decide to submit it to the voters, I think that there would certainly be no misunderstanding that -- what the question is. Also, I'd like to refer to page thirteen of the majority report. They indicate that the committee recommends that if at all possible, the Convention decision on lotteries and gambling be presented to the voters as a separate issue, and I think that's to the point where we are right now. Thank you.

CHAIRMAN GRAYBILL: Mrs. Reichert.

DELEGATE REICHERT: Mr. Chairman, I rise in opposition to Mr. Ask's amendment. I think it is interesting but I think it would be a much better choice for the voters to simply be able to say yes or no to gambling. That is what they did in North Dakota. I call attention to their alternate proposition number four, and it is simply what I have stated--yes or no. I think that it would make it sound like an echo but the minority proposal, when it suggested deletion, stated: The minority proposal and the majority proposal would accomplish the same end with regards to gambling. Both would leave the matter to statutory law where extensive provisions prohib-

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iting gambling already exist. Neither provision would legalize gambling of any nature, and I contend that by voting yes or no on this constitutional provision, we would accomplish the same thing as we would with Mr. Ask's amendment, but the people wouldn't be given two choices they would have to think about. I think we would cloud the issue and I think it would be much simpler for the voters to either say yes or no.

CHAIRMAN GRAYBILL: Mrs. Reichert, do you move as an amendment to Mr. Ask's substitute motion your language?

DELEGATE REICHERT: Yes. Thank you, Mr. Chairman.

CHAIRMAN GRAYBILL: Will the Clerk please read it?

CLERK HANSON: (Reading) Mr. Chairman, I move as a substitute motion to amend section eleven, page six, line one, of the General Government proposal by deleting it --

CHAIRMAN GRAYBILL: Mr. Clerk, we'll just say that she moves to amend Mr. Ask's proposal by saying -- go ahead. Put an alternative on the ballot that says --

CLERK HANSON: -- that will read in the following manner: The legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall enact laws to prohibit the sale of lottery or gift enterprise tickets -- Yes or No. Signed, Reichert. (End reading)

CHAIRMAN GRAYBILL: Very well, now, members of the body, you have before you two alternative ways of placing this on the ballot. One is a Yes-No proposition by Mrs. Reichert

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on the old constitutional language, which has prohibited gambling up to now. The other is stating that we shall have no gambling unless the legislature allows it, or that we shall have no gambling at all. Those are the two things that we are talking about. Now, Mrs. -- let's see, you've talked.

Mr. Harrington.

DELEGATE HARRINGTON: Mr. Chairman, I rise to oppose Mrs. Reichert's amendment. I feel it would do disservice to the people here who feel that the majority plank -- I think it would be -- I just don't think it would get to the issue and I think people would be mixed up on this and I think it would be a poor way to go on the ballot. I would go along with Mr. Ask. Thank you.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman, I would oppose Mrs. Reichert's amendment, too, and the majority of the committee would be very happy to accept Mr. Ask's proposal because this would do exactly what we had in mind. It would allow the voters to have a chance to have their say on whether they want gambling or not, with legislative controls, and it would reassure everyone that gambling would be prohibited until the legislature actually authorized it by specific action, so the committee would endorse Mr. Ask's proposal and I would oppose Mrs. Reichert's.

CHAIRMAN GRAYBILL: Mrs. Blend.

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DELEGATE BLEND: Mr. Chairman, I rise in support of Mrs. Reichert's amendment. I think that this is one of the days that we should consider that the people do have some sense and I think that a clear yes or a clear no would settle the question. Thank you.

CHAIRMAN GRAYBILL: Mr. Kamhoot.

DELEGATE KAMHOOT: Mr. Chairman, would you read Mr. Ask's proposal without the Reichert amendment to it, please?

CHAIRMAN GRAYBILL: Delegate Ask's proposal is the following proposals would be submitted to the ballot: Section eleven, Gambling. All forms of gambling, lotteries or gift enterprises are prohibited unless authorized by acts of the legislature or by the people through initiative or referendum. Or, in place of that, Section eleven, Gambling. All forms of gambling, lotteries and gift enterprises are prohibited. In other words, it's section eleven or section eleven with a period after the word, prohibited. It has the effect of putting on the ballot whether they want no gambling or whether they want no gambling but authorized by the legislature we can have it. It would have to be an alternative -- the ballot would have to be prepared in the alternative somehow.

Mr. Davis, you were up.

DELEGATE DAVIS: Mr. President, fellow Delegates,

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I reluctantly oppose Mrs. Reichert, after we have voted the same for forty-nine days, but I will have to oppose her on this issue. I think that Mr. Ask has come up probably with as good a compromise solution as we can have. If we do have gambling, it's going to be controlled by the legislature. No one wants Las Vegas or Nevada type gambling in Montana. So, if they put both of them on, they both have to read -- and as Mrs. Blend says, they're going to be intelligent so they can read, too, and decide which one they want. Then they can still get back to the type that the people want through their elected representatives. If they want to continue to restrict it to bingo and so forth, they could do it. Under the yes or no thing, it could be interpreted to open the state wide open to all kinds of gambling, and for those who are -- which I'm not -- but for those who are in favor of a little bit of gambling, which I consider to be just like being a little bit pregnant -- but if they -- if some do want just a little bit of gambling, why, let's give them a chance to do it.

CHAIRMAN GRAYBILL: Mrs. Bates.

DELEGATE BATES: Mr. Chairman, I was wondering, is Mr. Ask's amendment now on the floor and section eleven on the floor that it could be amended?

CHAIRMAN GRAYBILL: Section eleven is the original motion. Mr. Ask's is an amendment -- or a substitute motion, and Mrs. Reichert's is an amendment. We are going to consider

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Mrs. Reichert's first, but assuming we ever got to Mr. Ask's or the original, and they, of course, could be amended --

DELEGATE BATES: Could I mention what I would like to do here is have section eleven amended by leaving out: by acts of the legislature or --

CHAIRMAN GRAYBILL: Well, that's Mr. --

DELEGATE BATES: -- so that it would read --

CHAIRMAN GRAYBILL: Grace, that's Mr. Leuthold's amendment. If we ever get back there, he'll make that amendment. He takes the legislature out but leaves the people in.

DELEGATE BATES: That's right, and I would --

CHAIRMAN GRAYBILL: All right, that's Mr. Leuthold's if we ever get back there.

DELEGATE BATES: O.K. Therefore, I would oppose Arlyne Reichert's amendment and would go for the alternate proposal with the amendment. Thank you.

CHAIRMAN GRAYBILL: The Chair wants to observe something. Maybe the two people that are up are going to observe it, but the Chair wants to point out to you that maybe Mr. Ask has proposed a Yes-No proposition, too. I'm sure that Mr. Schiltz, if he's awake back there, will have thought of the fact that the language of Mr. Ask's two proposals is identical down through the word, prohibited, so I presume the Constitution would contain the phrase: All forms of gambling, lotteries and gift enterprises are prohibited. Then the al-

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ternative would be, do you want the legislature and the people by initiative or referendum to have the alternative to change -- to allow gambling, Yes-No. I just want to point out that Style and Drafting might have this right back in the same Yes-No box and you can decide what you want to do, but you ought to understand it.

Mr. Harper.

DELEGATE HARPER: Mr. Chairman, I think that we are finally at the end of a long road or maybe coming out of the end of the tunnel. Let me make two observations. One is, Arlyne, I'm surprised at you. Now, I'm often surprised at you but I mean on your wording, actually you say this would make a Yes-No deal and be very different from Mr. Ask's. The legislature shall have no power to authorize lotteries, et cetera. You say they can vote yes on that and that's substantial. But, suppose you vote no? I guess the only thing you vote no to is the word, no, so the opposite would be, the legislature shall have power and it would be put right back to the legislature. I don't really see the difference between the two. I think Mr. Ask's is more clearly worded and draws the issue. And, now, may I refer back to some things I said earlier in helping to start this ball rolling -- and we are concerned about this and I am very concerned about it -- I think this would give people on -- who want to keep the present Constitution as it is -- the sense of it as it is -- only

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more clearly stated in Mr. Ask's proposal, or in the majority proposal, I should say. It will give them a chance to vote for this and they are not having to ratify a constitution that makes gambling legal at all in any phase. They can go that far. And the people who want to leave this now to the legislature to give the kind of more freedom that the majority report is asking for, have a chance to vote for it, too. Now, it is true that we are not giving people who want wide open gambling with no restrictions at all a chance, but I sense that this body does not want to even infer that we want that kind of thing here. So, it seems to me that Mr. Ask's proposal now being accepted by the majority is really the sensible way to go and I'm personally quite pleased to see it.

CHAIRMAN GRAYBILL: Mr. Harper, the Chair feels constrained to comment. I hate to argue with you, but Mrs. Reichert's Yes-No proposition is yes, to put this language in the Constitution, or no, to leave it out, which means that her alternative is the minority report of deletion. You see -- you with me?

DELEGATE HARPER: Yes, I'm with you, but I simply suggest that it still would be up to the legislature.

CHAIRMAN GRAYBILL: All right. I'm just -- I just think that I -- I want everybody to understand the --

DELEGATE HARPER: All right.

CHAIRMAN GRAYBILL: Mrs. Pemberton.

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DELEGATE PEMBERTON: Thank you, Mr. President. I would like this delegation to know that during the campaign, both in the primary and in the general election, I visited Alzeda, Montana, and held my meetings in Dempsey Dodd's bar and cafe, which is -- there aren't very many places in Alzeda to meet --

(Laughter)

DELEGATE PEMBERTON: And the boys in Alzeda both times said, Mrs. Pemberton, how do you feel about gambling? Well, the first time, I passed it off and I said, well, everyone believes in motherhood and bingo. Well, the next time they said the same thing -- how do you feel about gambling? And I said, you're very serious, and they said, yes, we are. So, on behalf of Alzeda, they are not interested in Reno-type or Las Vegas-type gambling, but they would like to see something to this effect in the Constitution. I suggest that it be deleted but I would also support Mr. Ask. Thank you.

CHAIRMAN GRAYBILL: Mrs. Reichert, would you like to close?

DELEGATE REICHERT: Yes, Mr. Chairman. I would like to answer Delegate Harper. It's really too bad that he hadn't been a delegate to the North Dakota constitutional convention because they came up with the exact same proposition that I mentioned and they have a Yes-No on their ballot, but I think that as far as -- when we get right down to it, Mr. Ask's

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amendment and mine are identical except he is stating we could leave it to statutory law. I am stating merely that we could delete it and thereby statutory law would take care of the situation. And with that, I'll close.

CHAIRMAN GRAYBILL: Very well, we'll have a roll call vote. The issue is on Mrs. Reichert's amendment to put the old constitutional language -- the present constitutional language on the ballot as a Yes-No alternative. If the people voted yes, we would leave it in. If the people voted no, we would have no reference to gambling in the Constitution and the legislature, of course, could act in that case. Very well, all those in favor of Mrs. Reichert's proposition vote Aye; those opposed vote No. Has every Delegate voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Very well, take the ballot.

Aasheim	-	Nay	Ask	-	Nay
Anderson, J.	-	Nay	Babcock	-	Nay
Anderson, O.	-	Nay	Barnard	-	Aye
Arbanas	-	Nay	Bates	-	Nay
Arness	-	Nay	Belcher	-	Nay
Aronow	-	Nay	Berg	-	Aye
Artz	-	Nay	Berthelson	-	Nay

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Blaylock	-	Aye	Furlong	-	Nay
Blend	-	Aye	Garlington	-	Nay
Bowman	-	Nay	Gysler	-	Nay
Brazier	-	Nay	Habedank	-	Nay
Brown	-	Nay	Hanson, R. S.	-	Nay
Bugbee	-	Nay	Hanson, R.	-	Nay
Burkhardt	-	Nay	Harbaugh	-	Nay
Cain	-	Aye	Harlow	-	Aye
Campbell	-	Aye	Harper	-	Nay
Cate	-	Aye	Harrington	-	Nay
Champoux	-	Nay	Heliker	-	Nay
Choate	-	Aye	Holland	-	Nay
Conover	-	Nay	Jacobsen	-	Nay
Cross	-	Nay	James	-	Nay
Dahood	-	Aye	Johnson	-	Nay
Davis	-	Nay	Joyce	-	Nay
Delaney	-	Excused	Kamhoot	-	Nay
Driscoll	-	Aye	Kelleher	-	Absent
Drum	-	Absent	Leuthold	-	Nay
Eck	-	Aye	Loendorf	-	Nay
Erdmann	-	Nay	Lorello	-	Nay
Eskildsen	-	Absent	Mahoney	-	Nay
Etchart	-	Nay	Mansfield	-	Nay
Felt	-	Excused	Martin	-	Nay
Foster	-	Absent	McCarvel	-	Aye

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McDonough	-	Nay		Schiltz	-	Nay	
McKeon	-	Nay		Siderius	-	Nay	
McNeil	-	Nay		Simon	-	Nay	
Melvin	-	Aye		Skari	-	Nay	
Monroe	-	Aye		Sparks	-	Nay	
Murray	-	Absent		Speer	-	Aye	
Noble	-	Nay		Studer	-	Nay	
Nutting	-	Nay		Sullivan	-	Nay	
Payne	-	Nay		Swanberg	-	Absent	
Pemberton	-	Nay		Toole	-	Nay	
Rebal	-	Nay		Van Buskirk	-	Nay	
Reichert	-	Aye		Vermillion	-	Nay	
Robinson	-	Nay		Wagner	-	Nay	
Roeder	-	Aye		Ward	-	Nay	
Rollins	-	Aye		Warden	-	Nay	
Romney	-	Aye		Wilson	-	Nay	
Rygg	-	Aye		Woodmansey	-	Nay	
Scanlin	-	Aye		Mr. Chairman	-	Nay	

CLERK HANSON: Mr. Chairman, twenty-two Delegates voting Aye, seventy voting No.

CHAIRMAN GRAYBILL: Seventy having voted No and twenty-two Aye, Mrs. Reichert's motion does not prevail and is defeated. We are now on Mr. Ask's motion that we have a ballot alternative which is section eleven against section eleven down to the word, prohibited, period.

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Mr. Leuthold.

DELEGATE LEUTHOLD: May I make a motion to Mr. Ask's?

CHAIRMAN GRAYBILL: You surely may. Do you want us to read it?

DELEGATE LEUTHOLD: I would like to submit my proposal incorporated in Mr. Ask's one section there.

CHAIRMAN GRAYBILL: All right, read it as an amendment to Mr. Ask's first alternative, Mr. Clerk.

CLERK HANSON: (Reading) Mr. Chairman, I move to amend Mr. Ask's section eleven -- first section eleven -- by deleting the following words: acts of the legislature or by. Signed, Leuthold. (End reading)

Mr. Chairman.

CHAIRMAN GRAYBILL: Very well, now, Mr. Leuthold will amend section eleven -- you can find the language on page six -- which is Mr. Ask's first alternative, and he takes out of it the right of the legislature to act. In other words, he would say that there shall be no gambling unless the people through initiative and referendum allow it.

Mr. Leuthold.

DELEGATE LEUTHOLD: Mr. President and Delegates, just briefly, I'd like to explain what I'm trying to do here. I feel that any proposal to the legislature, they're going to be under terrific pressure regardless of how the proposal is

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to be presented, and I feel it will relieve a lot of their pressure if they, in proposing a gambling measure, can submit it to the people and I feel that in the final, the people should make that decision, so what I'm doing is taking the legislature out. Now, they will still have the right to prepare a referendum to be submitted to the people but the people will make the final decision.

CHAIRMAN GRAYBILL: Mr. Brown.

DELEGATE BROWN: Mr. Chairman, I rise in opposition to that amendment. Mr. Habedank touched on it but oftentimes initiatives are very loosely prepared and this is a serious issue, an emotional one, and if you allow the legislature to have the power they will take the time to investigate it, have hearings and write proper bills, and I would really be worried if we take all that power away from them, so I think we should stay with the majority report.

CHAIRMAN GRAYBILL: Mr. Harrington.

DELEGATE HARRINGTON: Mr. Chairman, fellow Delegates, I rise to oppose Mr. Leuthold's amendment. I agree with Mr. Brown that the legislature will, in their wisdom, take the time to do a good job on this and also, I feel that it's not any more than what we have right now. All we're voting on is to do just exactly what we have now. We have the right now through the legislature to set up a referendum or an initiative, so I don't think it's actually adding anything to

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it. Thank you.

CHAIRMAN GRAYBILL: Mr. Hanson.

DELEGATE ROBERT HANSON: I would like to rise in support of Mr. Leuthold's amendment. I spent three sessions around here and I know what they run up against. In 1969, George Johnson from Conrad brought in a bingo bill and it was killed many times in the House and they finally got it -- he was able to bring it to life -- it was killed and brought back to the Senate many times and it was finally vetoed by the governor, and at ten thousand dollars a day or more, I think the legislature has more important things to do, and this way I think the people could make the choice.

CHAIRMAN GRAYBILL: Mr. Conover.

DELEGATE CONOVER: I have been sitting here very quietly all afternoon, and I want to thank Tom that he didn't put the farmers in there because we would have been in a bad shape.

CHAIRMAN GRAYBILL: Very well, Mr. -- someone else was up.

Mr. Romney.

DELEGATE ROMNEY: Mr. Chairman, I just want to remind my friend from Lake county that the reason the legislature could not do anything in '69 was because they had a constitutional inhibition.

CHAIRMAN GRAYBILL: Very well, the issue --

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Mrs. Bates.

DELEGATE BATES: Yes. I support Delegate Leuthold. I feel, however, that we should add an amendment. Would I be in order? It would be the end of this to state that under the control of the legislature, should the people by referendum decide.

CHAIRMAN GRAYBILL: Well, Mrs. Bates, I don't see how that's physically possible. Now, if you want to prepare some language and send it up here -- in other words, if you know the initiative process, it starts by a petition in the field and after the initiative -- are you saying that the people can direct the legislature to do this?

DELEGATE BATES: No, but if the -- if they initiate some type of gambling or lottery, then it should be under the control of the legislature.

CHAIRMAN GRAYBILL: I see. I see.

DELEGATE BATES: And therefore, I feel there should be an addition -- just exactly how it should be worded, I don't know, but I do feel that if the legislature is to be strong-armed each year they are in session by the people that are for gambling, it would be a bad situation.

CHAIRMAN GRAYBILL: Mrs. Bates, the Chair sees your point -- that you want whatever gambling is finally allowed, if it is, to be under the control of the legislature. Let's wait until we get the final language. If the final lang-

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uage is bad and that's a flaw, well, someone will surely make an amendment, but let's not make that amendment now when we've got two or three more to go here.

Mr. Davis.

DELEGATE DAVIS: Mr. President, now, is Mr. Leuthold's to substitute completely for Mr. Ask's or is he amending part of --

CHAIRMAN GRAYBILL: He's merely amending part of Mr. Ask's at the moment.

DELEGATE DAVIS: I see. Thank you.

CHAIRMAN GRAYBILL: We are sort of having a test run on him. All right, this issue is on whether or not to amend the first half of Mr. Ask's proposal to go on the ballot by taking out the fact that the legislature would be authorized to do this and leaving in only that the people would be authorized through initiative and referendum. All in favor of Mr. Leuthold's amendment vote Aye and opposed, vote No. Have all the Delegates voted? This is a roll call vote. It's the Chair's, if there is any question.

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Take the ballot, please. Mr. Romney, for what purpose do you arise?

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DELEGATE ROMNEY: (Inaudible. Microphone not turned on.)

CHAIRMAN GRAYBILL: Well, Mr. Romney, you may announce that you would have voted No if you had had a chance. The record will so show. Mr. Romney wants the record to show he would have voted No if his button had registered.

Aasheim	-	Nay	Bugbee	-	Nay
Anderson, J.	-	Nay	Burkhardt	-	Nay
Anderson, O.	-	Nay	Cain	-	Aye
Arbanas	-	Nay	Campbell	-	Nay
Arness	-	Nay	Cate	-	Nay
Aronow	-	Nay	Champoux	-	Nay
Artz	-	Nay	Choate	-	Nay
Ask	-	Nay	Conover	-	Nay
Babcock	-	Nay	Cross	-	Nay
Barnard	-	Aye	Dahood	-	Nay
Bates	-	Aye	Davis	-	Nay
Belcher	-	Nay	Delaney	-	Excused
Berg	-	Nay	Driscoll	-	Nay
Berthelson	-	Nay	Drum	-	Absent
Blaylock	-	Aye	Eck	-	Aye
Blend	-	Aye	Erdmann	-	Nay
Bowman	-	Nay	Eskildsen	-	Absent
Brazier	-	Nay	Etchart	-	Nay
Brown	-	Nay	Felt	-	Excused

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1	Foster	-	Absent	McCarvel	-	Nay
2	Furlong	-	Nay	McDonough	-	Nay
3	Garlington	-	Nay	McKeon	-	Nay
4	Gysler	-	Nay	McNeil	-	Nay
5	Habedank	-	Nay	Melvin	-	Nay
6	Hanson, R. S.	-	Aye	Monroe	-	Nay
7	Hanson, R.	-	Aye	Murray	-	Absent
8	Harbaugh	-	Absent	Noble	-	Nay
9	Harlow	-	Nay	Nutting	-	Aye
10	Harper	-	Nay	Payne	-	Nay
11	Harrington	-	Nay	Pemberton	-	Nay
12	Heliker	-	Nay	Rebal	-	Nay
13	Holland	-	Nay	Reichert	-	Nay
14	Jacobsen	-	Nay	Robinson	-	Nay
15	James	-	Aye	Roeder	-	Nay
16	Johnson	-	Nay	Rollins	-	Absent
17	Joyce	-	Nay	Romney	-	Absent
18	Kamhoot	-	Nay	Rygg	-	Nay
19	Kelleher	-	Absent	Scanlin	-	Nay
20	Leuthold	-	Aye	Schiltz	-	Nay
21	Loendorf	-	Aye	Siderius	-	Nay
22	Lorello	-	Nay	Simon	-	Nay
23	Mahoney	-	Nay	Skari	-	Nay
24	Mansfield	-	Nay	Sparks	-	Nay
25	Martin	-	Nay	Speer	-	Nay

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Studer	-	Nay	Wagner	-	Nay
Sullivan	-	Nay	Ward	-	Nay
Swanberg	-	Absent	Warden	-	Nay
Toole	-	Nay	Wilson	-	Nay
Van Buskirk	-	Nay	Woodmansey	-	Nay
Vermillion	-	Nay	Mr. Chairman	-	Nay

CLERK HANSON: Mr. Chairman, twelve Delegates voting Aye, seventy-seven voting No.

CHAIRMAN GRAYBILL: Seventy-seven having voted No, Mr. Leuthold's motion is defeated and we are back on Mr. Ask's proposal to place on the ballot a proposal that would say -- an alternative that would give the people a chance to choose between section eleven, as it appears on page six, and the first clause in section eleven -- all forms of gambling, gift enterprises and so forth are prohibited period. The choice would be between prohibiting gambling and prohibiting gambling unless authorized by the legislature or the people.

Mr. Anderson.

DELEGATE OSCAR ANDERSON: As I said the other night, anything North Dakota can do, we can do better, and I support the Ask proposal to prove it.

CHAIRMAN GRAYBILL: Very well, the issue is on Mr. Ask's amendment. Mr. Ask, do you want to close?

DELEGATE ASK: I close.

CHAIRMAN GRAYBILL: He's closed. Very well, all

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in favor of Mr. Ask's proposal vote Aye, and all opposed vote No. Has every Delegate voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Take the ballot.

Aasheim	-	Aye	Brown	-	Aye
Anderson, J.	-	Aye	Bugbee	-	Aye
Anderson, O.	-	Aye	Burkhardt	-	Aye
Arbanas	-	Aye	Cain	-	Aye
Arness	-	Nay	Campbell	-	Aye
Aronow	-	Aye	Cate	-	Aye
Artz	-	Aye	Champoux	-	Aye
Ask	-	Aye	Choate	-	Aye
Babcock	-	Aye	Conover	-	Aye
Barnard	-	Aye	Cross	-	Aye
Bates	-	Aye	Dahood	-	Aye
Belcher	-	Aye	Davis	-	Aye
Berg	-	Aye	Delaney	-	Excused
Berthelson	-	Aye	Driscoll	-	Aye
Blaylock	-	Nay	Drum	-	Absent
Blend	-	Aye	Eck	-	Aye
Bowman	-	Aye	Erdmann	-	Aye
Brazier	-	Aye	Eskildsen	-	Absent

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Etchart	-	Aye	Mansfield	-	Aye
Felt	-	Excused	Martin	-	Aye
Foster	-	Absent	McCarvel	-	Aye
Furlong	-	Aye	McDonough	-	Aye
Garlington	-	Aye	McKeon	-	Aye
Gysler	-	Aye	McNeil	-	Aye
Habedank	-	Aye	Melvin	-	Aye
Hanson, R. S.	-	Aye	Monroe	-	Aye
Hanson, R.	-	Aye	Murray	-	Absent
Harbaugh	-	Nay	Noble	-	Aye
Harlow	-	Aye	Nutting	-	Nay
Harper	-	Aye	Payne	-	Nay
Harrington	-	Aye	Pemberton	-	Aye
Heliker	-	Aye	Rebal	-	Aye
Holland	-	Nay	Reichert	-	Aye
Jacobsen	-	Aye	Robinson	-	Aye
James	-	Aye	Roeder	-	Aye
Johnson	-	Aye	Rollins	-	Absent
Joyce	-	Aye	Romney	-	Aye
Kamhoot	-	Aye	Rygg	-	Aye
Kelleher	-	Absent	Scanlin	-	Nay
Leuthold	-	Nay	Schiltz	-	Aye
Loendorf	-	Aye	Siderius	-	Aye
Lorello	-	Aye	Simon	-	Aye
Mahoney	-	Aye	Skari	-	Aye

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Sparks	-	Aye	Vermillion	-	Aye
Speer	-	Aye	Wagner	-	Aye
Studer	-	Aye	Ward	-	Aye
Sullivan	-	Aye	Warden	-	Aye
Swanberg	-	Absent	Wilson	-	Aye
Toole	-	Aye	Woodmansey	-	Aye
Van Buskirk	-	Aye	Mr. Chairman	-	Aye

CLERK HANSON: Mr. Chairman, eighty-three Delegates voting Aye, eight voting No.

CHAIRMAN GRAYBILL: Eighty-three having voted Aye and eight No, Mr. Ask's motion prevails. It having prevailed, we don't reach section eleven. It having prevailed, Mr. Leuthold's amendment doesn't reach section eleven. Are there other proposed amendments to section eleven?

(No response)

CHAIRMAN GRAYBILL: If not, members of the committee, you have before you on the motion of Mr. Ask that when this committee does arise and report, after having had under consideration section eleven as amended by his proposal, that we recommend the same be adopted. All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: It's adopted as amended. If you'll all turn to page fifteen in your books. Mr. Belcher,

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does the minority care to propose its new section?

DELEGATE BELCHER: Mr. Chairman --

CHAIRMAN GRAYBILL: If so, I'll have the Clerk read it. Do you want it read?

DELEGATE BELCHER: Yes, if you would, please.

CHAIRMAN GRAYBILL: Will the Clerk please read the minority proposal on page fifteen?

CLERK HANSON: (Reading) Minority Proposal number one. Be it proposed that there be a new constitutional section to read as follows: Section, Boundaries. The sovereignty and jurisdiction of the state of Montana shall prevail within the area encompassed by the following boundaries: Beginning at the point of intersection of the 104th meridian of west longitude and the 45th parallel of north latitude, thence clockwise west on said parallel to its intersection with the 111th meridian; south on said meridian to the crest of the Rocky Mountains; northwestward on said crest, the Continental Divide, to the summit of Lost Trail Pass, intersecting there with the southeast end and the crest of the Bitterroot Mountains; hence northwestward on the crest of the Bitterroot Mountains and Range to the 116th meridian; north on said meridian to the 49th parallel; east on said parallel to the 104th meridian; and south on the said meridian to the place of beginning. (End reading)

Mr. Chairman.

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CHAIRMAN GRAYBILL: Now, ladies and gentlemen, we do have some other things to finish up. We're nearly through with this article. I know it's late but I think we'd better try and finish this article, so if you'll all stay with us and listen, we'll get through quickly. These shouldn't be very difficult matters.

Mr. Belcher.

DELEGATE BELCHER: Mr. Chairman, I move that when this committee does rise and report, after having had under consideration General Government proposal number twelve, section twelve, I think it is, it recommend the same be adopted.

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Belcher.

DELEGATE BELCHER: This is a very short article. We did have in our old Constitution the boundaries of Montana as defined. They were defined by the Organic Act, too, but a man by the name of Mr. Walter Stamm from Dillon has done a lot of research on this thing and he has come up with a little better description. If we want a boundary for the state of Montana -- I don't think we are going to be taken in by Idaho or North Dakota or Wyoming or Canada or any of those other states -- but if you want boundaries listed in it, I propose this boundary that is listed in your General Government number twelve.

CHAIRMAN GRAYBILL: Mr. Davis.

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DELEGATE DAVIS: Mr. President, there's a gentleman from my community that's been very interested in the boundaries being in the Constitution, and when I came up here I was not very encouraged that we could justify leaving these in. But, I see North Dakota and Hawaii and all the other states left theirs in. He's done a lot of work on this and when I compare this with that beautiful Preamble that says the quiet beauty of our state, the grandeur of our mountains, the vastness of our rolling plains, and then you get over here and we talk about the crest of the Rocky Mountains and the Continental Divide, the summit of Lost Trail Pass intersecting with the Bitterroot Mountains, I think it ties in there. I think it's beautiful. I think we should put it in. We've got plenty of other things in that aren't near as poetic as this, and I don't think you should have to go looking through all -- get a research analyst to find out where your boundaries are any more, so I would support Mr. Belcher and put it back in our Constitution. I think it would be very nice in there.

CHAIRMAN GRAYBILL: Mr. Melvin.

DELEGATE MELVIN: Mr. Chairman, fellow Delegates, I submit that the description here is faulty. Now, I discussed this with the committee and it doesn't indicate any jog for Yellowstone National Park. Now, Yellowstone National Park was formed a hundred years ago this year. Montana -- the state of Montana -- came into existence in 1889. More than

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likely, in the territorial act, this description was correct but I submit that there's three miles jog and down in the corner that's still the property of the United States because when I filled out the complaints before the United States commissioner, one of the things was under the exclusive jurisdiction of the United States, and I don't think we should try and start a war with the federal government. Thank you.

CHAIRMAN GRAYBILL: Mr. Harlow.

DELEGATE HARLOW: Mr. Chairman, and fellow Delegates, I support this boundaries. In the research committee report it said all the waters within the boundaries of Montana, so if we don't have any boundaries, how do we know where we are going to get our water? Now, I do not have the fear that Delegate Melvin has. We have one other national park within the state -- within the boundaries listed here and we do not state in the boundaries that Montana includes all that land within these various boundaries except Glacier National Park. And I do not think it's necessary or that we are jeopardizing our sovereignty by leaving that little piece of Yellowstone Park in the state of -- within these boundaries on the thing. We know that's part of the national park, the same as Glacier National Park is, and if we start excluding part of the Yellowstone National Park, we'll have sort of a no-man's land in there that will be difficult to administer by anyone.

CHAIRMAN GRAYBILL: Mr. Brown.

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DELEGATE BROWN: Mr. Chairman, I'm not going to use this word, delete, after I leave this Convention ever again. But, the reason we deleted it -- it's no big thing to debate all night, but our Organic Act had one description in it. Our present Constitution has a description that's different from the Organic Act, and this third one, it might be correct -- I'm not sure -- but like Delegate Melvin said, there is some doubt about it, and Walter Stamm is a very fine gentleman and I appreciate all the work he has done, but I thought if there was going to be any ambiguity or differences in description, we'd be best to leave it out and we can't change it anyway, and I'm ready to vote. Thank you, sir.

CHAIRMAN GRAYBILL: Mrs. Robinson.

DELEGATE ROMNEY: Mr. Chairman -- I'm all in favor of getting the boundaries in, but --

CHAIRMAN GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: -- I think if you'll refer to the article one in the present Constitution, the word, Bitterroot is spelled two words, and I did that eighty-two years ago and it stood the test of time until the recent corruption of it by the forest service, and I suggest that Style take a good look at it.

CHAIRMAN GRAYBILL: Mr. Belcher -- Mr. Habedank, do you want to speak?

DELEGATE HABEDANK: Yes. Mr. Brown pointed out his

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reasons for deleting. The reasons of the majority for putting it in have also been explained, in that we feel that a person should not have to go to ordinances and different items of this kind to find the boundaries. I'd point out to you that if, by some stretch of the imagination, this boundary is incorrect, as it's suggested it might be in spite of all the research, we are not going to change Montana because of the Organic Act anyway. We'll just have what we have and if we claim more than we've got, Uncle Sam won't give it to us so we might as well claim all we can.

CHAIRMAN GRAYBILL: Mr. Belcher, you may close.

DELEGATE BELCHER: This will be very brief. This boundary thing, I think, is something that might help us with our Constitution. There are some sentimental people that would like to see the boundaries of their state defined and this would do it. Thank you.

CHAIRMAN GRAYBILL: Members of the committee, you have before you for your consideration, when we do rise and report, upon the recommendation of Mr. Belcher, that we recommend that the minority proposal number one on boundaries be included and recommended for adoption. All in favor of that motion say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

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CHAIRMAN GRAYBILL: The Ayes have it and it's adopted. Mr. Jacobsen, you have a motion up here for a new section in General Government. May we read it?

DELEGATE JACOBSEN: Please, Mr. Chairman.

CHAIRMAN GRAYBILL: Will the Clerk please read Mr. Jacobsen's motion?

CLERK HANSON: Mr. Chairman: (Reading) I move to amend article twelve, General Government, page six, of the General Government Committee report by adding a new section to read as follows: Section thirteen. The legislature shall provide that the state of Montana shall refrain from engaging in any monopolistic business. Any such existing monopoly must be dissolved by the legislature in the first assembly after the adoption of this Constitution or by December 31, 1974. This section does not prevent the legislature from regulating or taxing according to the law. Signed, Jacobsen and Johnson. (End reading)

Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Jacobsen has proposed a new section to the General Government article which has the effect of taking the state of Montana out of monopolistic businesses. It is similar to the one he had the other day and I'm sure the purpose is the liquor control business, but I don't want to suggest that it's limited to that, but I'll let him discuss it, but that's the proposal.

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Mr. Jacobsen.

DELEGATE JACOBSEN: Was the last proposal read there -- the policing and so on? The white one I gave you this morning.

CHAIRMAN GRAYBILL: No, I think that's not on it. Do you want to read the addition?

DELEGATE JACOBSEN: The one that I had -- that's the white one I gave you this morning?

CHAIRMAN GRAYBILL: Well, this is the only one you gave us that I know.

DELEGATE JACOBSEN: That's the one, then. As you possibly all know, I brought this up the other day and the exact thing has happened that Mr. Vermillion told me would happen, that we are here at six-thirty in the evening on the last article on our General Government, so I'm not going to take a lot of time, but you all have the reports of the --

CHAIRMAN GRAYBILL: Mr. Jacobsen.

DELEGATE JACOBSEN: Yes?

CHAIRMAN GRAYBILL: Would you rather -- I don't want to put you in a bad position -- would you rather run the risk of suspending the rules on Monday morning? I'll call on you on Monday morning.

DELEGATE JACOBSEN: I know that a lot of Delegates would like to get away at this time and --

CHAIRMAN GRAYBILL: Well, I'm going to go through

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the rest of the things we have on general orders, but if you want to take it off now and try again, but you'll have to suspend the rules on Monday morning. I don't want you to feel that you are cramped. If you want to withdraw it, you may then make a motion to suspend the rules Monday morning.

DELEGATE JACOBSEN: Well, that will fail, I am sure, so I'll go ahead with it right now.

(Laughter)

CHAIRMAN GRAYBILL: That's a Hobson's choice. Mr. Jacobsen.

DELEGATE JACOBSEN: Yes. As you know, the monopoly liquor business in Montana is a political bureau of our state. It is and has been nothing more than a political football. With each change of political party, the liquor store vendors are changed and possibly a lot of the sales people, too. If we could be assured of good businessmen or women as vendors, it wouldn't be so bad, but this bureaucracy monopoly is nothing more than political payoff for services rendered to either party. I sincerely believe that we must take this opportunity to take politics out of our state government. There is just too much politics in politics. With the state out of the liquor business, we could make one more step towards trust in our elected officials and we would be creating a new industry for the private enterprise people of our state. Private enterprise, as I stated the other day, is the backbone of our nation.

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We would not lose one red cent by doing this, but would gain millions of dollars as private enterprise would be paying taxes on not only the new and improved properties, but on the inventory transferred from state stores to private stores. Increased income taxes, too. You all have on your desks a paper pointing out the facts about the liquor business and a few of the many irregularities. On the reverse side are other facts and one idea how the legislature can implement the liquor business to make sure that the state has control, policing powers, and sets prices and taxes to prevent any loss of revenue. In fact, it could gain considerably through better business practices by private enterprise. Now, look at the actual operating statement of the Montana liquor control board. Just look at the tremendous expense the board pays for a four million, nine hundred and thirty thousand profit on hard liquor, and this statement clearly shows you that salaries and commissions were in the year 1969-1970 one million seven hundred twelve thousand four hundred and eighty-nine dollars. These will go up because the liquor vendors are now under a union. The result will be we will be paying extra prices for our liquor. Freight and drayage is another item -- two hundred and forty-two thousand nine hundred and ninety-nine dollars, which is added to the cost of our liquor. There's a double shipment of this. It's shipped into Helena and then reshipped out to the stores about the state, where if private enterprise

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had it, I'm sure that some of the breweries even could have warehouses and so forth about our state to distribute in a better manner. Industrial accident insurance, thirty thousand dollars; employee benefits, a hundred and sixty-two thousand, which would, of course, be going up; store audit and examiners fees, fifty-nine thousand six hundred seventy-three dollars; machine rentals, forty-one thousand, four hundred seventy-five dollars. This is a total of two million six hundred seventy-seven thousand dollars, plus, and of course, any ordinary businessman can look at that net profit figure from the liquor department of four million nine hundred and thirty-one thousand, and with an expense of over two million, six hundred seventy-seven thousand, this is not good business. We can save, and I was told as I repeat again -- I was told that we could save over two and a half million by taking the state out of this business. Now, the expense sheet is only the start. With the employees of liquor stores unionizing -- I told you that -- warehouses, a new warehouse is also planned at the -- to the tune of three or four million dollars. The end result, of course, of these things will be just, of course, higher taxes to you. I can refer again to the half gallon of Ancient Age liquor that sells in Denver and Cheyenne, Wyoming for eight dollars and thirty cents. Here we pay eleven fifty-five. Let's turn this very expensive business over to private enterprise with private taxes, too, and we would help finance this

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great state. We have added many financial problems to our next legislative body. I want to see our state grow and prosper. It can do just this and keep full control over taxes, licenses, policing and markups. Bureaucracy must be reduced We have spent a lot of time here considering and reconsidering many articles and sections. Now, consider your vote as of the other day by ridding our state of this monster bureau. Just think of the advice given us by John Gardiner and recited the other day. This is our one opportunity. When I was asked to -- when I decided to run for this Con-Con, one of the things that I thought, well, this is my chance to see if I can't go over to Helena and help rid our state of some of the very poor political things that are in this state. Thank you. I think there's a few more people that want to speak on this.

CHAIRMAN GRAYBILL: Very well, is there --

Mrs. Robinson.

DELEGATE ROBINSON: Mr. Chairman, I hate to do this, but I feel very strongly that this is the very same thing that Mr. Aronow proposed this morning. I think that if we do this, this really amounts to a reconsideration of a past action and I think that we should deal with it accordingly. I don't see any difference in this and what Mr. Aronow attempted to do.

CHAIRMAN GRAYBILL: Mrs. Robinson, the Chair has thought about that and you may be entirely right. The other day when we discussed it in the other section, we did mention

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that it was a subject that fell much more within the ambit of General Government than the one this morning, but that may be.

DELEGATE AASHEIM: Mr. Chairman.

CHAIRMAN GRAYBILL: Mr. Aasheim.

DELEGATE AASHEIM: A point of order on this same matter. I would like to refer you to section one fifty-nine of Mason's. This is the same substantive matter that was killed here a couple of days ago and I think the only way we can consider it is by reconsideration.

CHAIRMAN GRAYBILL: Mr. Holland.

DELEGATE HOLLAND: I submit that this is materially different than the one the other day and we owe these gentlemen the courtesy of a vote on this because this is much broader amendment than the original, although it reaches the same business. It may go well beyond it.

CHAIRMAN GRAYBILL: The Chair can look up the language that we had the other day. Is the language that Mr. Jacobsen has proposed today substantially different than it was before?

Mr. Jacobsen.

DELEGATE JACOBSEN: The section that he just read, does that say the legislature shall provide that by December 31, 1975 --

CHAIRMAN GRAYBILL: No --

DELEGATE JACOBSEN: Is that what the one you read

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said?

CHAIRMAN GRAYBILL: The legislature shall provide that the state of Montana shall refrain from engaging in any monopolistic business.

DELEGATE JACOBSEN: Well, now, this proposal I handed you this morning, Mr. President, states: Be it proposed by the Constitutional Convention of the state of Montana, section one, there shall be a new constitutional section to provide as follows: The legislature shall provide that by December 31, 1975, the state of Montana shall no longer engage in the buying and selling of liquor. This section does not prevent the legislature from --

CHAIRMAN GRAYBILL: All right, all right -- Mr. Jacobsen, first of all, I'm not going to argue with you about whether you gave it to me or not this morning, but the one you gave me I have, but that's not the one you just read, so will you first of all withdraw the one that you've made -- or the one I have, which is the one we made.

DELEGATE JACOBSEN: Mr. President, I'd like to withdraw the --

CHAIRMAN GRAYBILL: All right, having withdrawn that, will you bring the Chair the one you have in your hand or give us a copy of it? We don't have it.

DELEGATE JACOBSEN: Yes.

CHAIRMAN GRAYBILL: Just either send us your copy

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or -- I don't know where the others are.

DELEGATE JACOBSEN: I gave them to you in your office this morning.

CHAIRMAN GRAYBILL: Right, and I brought them and gave them to the Clerk and that's what we're reading, so apparently you or we got mixed up and we have your old one instead of your new one.

DELEGATE JACOBSEN: That's the monopolizing one.

CHAIRMAN GRAYBILL: I understand but it's a new set that I had this morning, so you and I have gotten mixed up.

DELEGATE JACOBSEN: Yes. The monopoly business is not in this section I'm proposing. I'm strictly talking about the liquor business.

CHAIRMAN GRAYBILL: All right, Mr. Aasheim -- Mr. Jacobsen, you do make your new one here?

DELEGATE JACOBSEN: Yes, I propose this and you'll see it has policing and control powers with the legislature.

CHAIRMAN GRAYBILL: Well, Mr. Aasheim, he has proposed a considerably different amendment here, limited to the liquor business -- The legislature shall provide that by December 31, 1975, the state of Montana shall no longer engage in the business of buying and selling liquor. This section does not prevent the legislature from regulating or taxing the retail or wholesale sale of liquor. Regulating, control-

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ling, policing or taxing the retail or wholesale sale of liquor. That is certainly a different matter than we discussed the other day and does seem to the Chair to fall within the ambit of General Government.

Mr. Aasheim.

DELEGATE AASHEIM: I would just like to read what Mason's says: It was an ancient rule that when a bill was once passed or rejected, another of the same substance could not be brought in again in the same session. However, they do have this alternative. They can, by reconsideration, do so -- and that would be the order in which they should do it, I would say.

CHAIRMAN GRAYBILL: I can't hold, Mr. Aasheim, that a bill regulating the sale of liquor -- or, an amendment taking us out of the liquor business is the same as an amendment taking us out of any monopolistic business. That's just not the same thing. The other is much broader, so I've got to rule that this is a different matter and does fall within General Government. Now, I'll allow your amendment -- I'll allow your motion, Mr. Jacobsen, and if anyone wants to challenge me, they can.

Mr. Harlow.

DELEGATE HARLOW: Mr. Chairman, I feel that the motion of Mr. Jacobsen is in order. He appeared before the General Government Committee, he and Mr. Johnson, proposing this

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same idea two or three different times. The Committee turned it down. They didn't feel it was part of the Constitution and I rise in opposition to his motion because, as he said, it has been debated many, many times, and I merely want to state out that, from a survey of all the states in the United States, of the eighteen control states, they drink less whiskey and make more money than do the thirty-two licensed states so I see no reason why we should go out of the controlled liquor business. And, I close.

CHAIRMAN GRAYBILL: So the body knows where we are, I think Mr. Aasheim and I, at least we did find out that Mr. Jacobsen's first one was the old one and it's out, but his present one deals only with the liquor monopoly and not with any other monopoly and it is allowed and we are debating it.

Mr. Berg.

DELEGATE BERG: Mr. Chairman, I rise in support of Mr. Jacobsen's motion and I do this for a very different reason than what has just been suggested, and that is this. Some time ago, a few days ago as a matter of fact, I received a letter from Mr. Toole, asking me to survey what we have done to see where we might find some area where money for the state of Montana has been saved rather than expended by this Convention in the construction of this Constitution. He called my attention to a suggestion of Mr. Garlington's that perhaps by a consolidation of clerks of the court in remote counties there

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was a potential possible saving in excess of five hundred thousand dollars, but except for that one suggestion of Mr. Garlington's, I have been unable until now to make any suggestions to assist Mr. Toole in this problem that he raises. And, I think it is a problem that all of us will be concerned with in the next few months. We will be confronted with the fact that this Constitution, if it is enacted, will be a more expensive form of government than what we have enjoyed before. We will have to demonstrate the benefits that come by the increased costs we necessarily create. Here, however, is one opportunity for this Convention to say, money has been saved, not only immediately but throughout the years. Now, I'm not certain of Mr. Jacobsen's figures but they are significant and they are not only an initial saving of something like six million dollars, they are an annual saving of something like two million dollars. They also present to the people the possibility of buying liquor at rates comparable to what they are in Wyoming and Colorado and to that extent they are a saving to the people, so there is great virtue in this proposal, not just on the proposition that we should get out of the liquor business -- the state should get out of it -- but on the proposition of assisting in the promotion, if you please, of this Constitution or at least an explanation of it, financially. Thank you.

CHAIRMAN GRAYBILL: Mr. Harper.

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DELEGATE HARPER: How's it going to look like in the Constitution -- to read in the Constitution forty years from now to say see this directive that is being proposed? I think the issue is still one of what kind of control the state ought to have. I don't think that maybe we heard what Mr. Harlow read a moment ago and I haven't been able to check out all these facts myself, but I assume this is correct that eighteen control states have a per capita consumption of one and thirty-eight hundredths gallons; thirty-two license states have a per capita consumption of one point eighty-eight -- much higher. Yet, the eighteen control states average fourteen dollars and thirty-two cents to eleven dollars for the thirty-two license states in income. Now, I don't quite see a case being made that to be a control state means that you're losing money. This graph seems to be the other way around. There is one thing I can report on. The other day Mr. Jacobsen talked quite a little bit about the legislative audit in 1969, finding all the things wrong with the -- our public agency, the liquor control board. At the time, I said one good thing about it was the legislative audit could at least audit a public board and make suggestions. He sent me a booklet -- in fact the report of the legislative audit at that time that listed about two hundred different things they thought ought to be changed in the procedure and set-up of the liquor control board. Mr. Mahoney and I took that legislative audit report,

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went down to the legislative auditor yesterday, said to the auditor and the assistant chief auditor, have any of these things been accomplished? Their answer was, and you can check with them, that with the help of the managerial services department of our government, all of these corrections have now been made and the liquor control board has asked for a new audit which, as I understand, is beginning this week or next, and they seem to think the situation is being handled in a public way and I think that kind of responsible handling can be done as long as we have public control, but when it moves into the private sector, we not only raise consumption, which is really the big problem here, we will lower over the long run, according to this graph, if we repeat what other licensed states have done, our revenue and we will have a monster entirely out of our control.

CHAIRMAN GRAYBILL: Mrs. Cain.

DELEGATE CAIN: There is just one short thing I want to say. I don't see how people who are interested in good government can tolerate the kind of things that have been happening within this liquor control.

CHAIRMAN GRAYBILL: Mr. Gysler.

DELEGATE GYSLER: Mr. Chairman, somebody can correct me if I'm wrong, but I believe it was in the 1969 session of the legislature that passed a bill to take the state out of the liquor business and the governor vetoed it and as I re-

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call, for one reason only and that is that it would cost the state of Montana too much money that we couldn't afford to lose. Thank you.

CHAIRMAN GRAYBILL: Mr. Johnson.

DELEGATE JOHNSON: Mr. Chairman, I just say I don't think the legislature should allow the liquor control board, because there still would be one, I'm sure, to lose any money on this proposition. They put the stamp tax right on at the distillery and in such a manner and in such an amount that they don't lose any money. Certainly don't want to take them out of the business to the extent where -- or in any manner so it loses tax return to the state of Montana. That's certainly not the intention in any way and my fairly extensive study of the figures would prove to me this would be very easily done. Thank you.

CHAIRMAN GRAYBILL: Very well, Mr. Romney.

DELEGATE ROMNEY: Mr. Chairman, this same matter came up the other day. At least it has the same thrust. I think that it must be disposed of but I don't think that the figures that we have had placed at our disposal provide us with any real ground for making the decision whether it is good or bad with respect to the state making a profit or not making a profit, and whether or not it would make more otherwise, and I think this is distinctly statutory. And in this connection, I would like to ask the Chairman if I may direct

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an inquiry to Delegate Donahue -- McDonough, I mean.

CHAIRMAN GRAYBILL: Mr. McDonough.

DELEGATE McDONOUGH: I yield.

DELEGATE ROMNEY: Mr. McDonough --

DELEGATE McDONOUGH: Yes, sir.

DELEGATE ROMNEY: Would you give us the benefit of your thoughts on whether or not this is statutory?

DELEGATE McDONOUGH: Yes, it's about a hundred percent.

CHAIRMAN GRAYBILL: Very well. Mr. Jacobsen, do you want to close?

DELEGATE JACOBSEN: Thank you, Mr. President. For Mr. Romney's benefit, every figure that I showed on the paper and these things are actual facts right from the state liquor board's own figures. This is a photostat and is taken out of this book (illustrating) and it's by the liquor control board. Our -- this monopoly is something. Now, I don't know but maybe one or two of the people that are working in the liquor business as far as the state control part of it, and I would hope that if we could get the state out of this liquor business, whether it is -- should be in the Constitution or not, I don't know and maybe it shouldn't, but for the last fifteen or twenty years the legislature has not acted and there have been many attempts to do this. Now, there is payoffs and so on in broken -- breakage and so on, and the legislative auditor, the

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man who wrote this book that was passed out amongst all of you, this hundred and fifty-seven pages -- every page, like Mr. Harper said, has discrepancies and so on, and of course when women vendors use liquor store money and take money out of the till and buy groceries for the month and then put their own check in -- this is not good business. We have all kinds of this going on and we don't want to forget the fact that private enterprise would take over the present liquor stores. They would be licensed. There would be license fees against those. The legislature would control this operation and they would police it just as they're doing now. If you read the items that I put before you, it gives facts and all of those are absolute facts from this book and from the liquor control board's own figures, and in closing, I could say Torrey and I of course were told by General Government that this was a legislative item and we know that this is a legislative item but it has not been acted upon by the legislature. This is our opportunity to clean up this politics in our system -- this here political payoff. The thing that we can do here that is a bureaucracy we should get away from, and if you'll again think of what Mr. Gardiner said the other night, it would help you in making up your mind that we do not need this. Now, Reverend Harper is for character and morals in government and still he will allow to persist this monster bureaucracy. Liquor monopoly, with all its opportunities for fraud and so

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forth, should be and can be cleaned up by private enterprise. Take it out of politics except for strict control set up by our legislature. Think about this. We came over here to clean up our government. Let's clean it up and direct the legislature, whether it be to the legislative council or whether it actually is in the Constitution, but let's direct our legislative council to get the state out of this liquor business. Thank you.

CHAIRMAN GRAYBILL: Right. We'll have a roll call. Wait until we vote, Bruce. Very well, the issue is on the motion of Mr. Jacobsen that we add a section to the General Government article which would say: Section one. There shall be a new constitutional section to provide as follows: The legislature shall provide that by December 31, 1975, the state of Montana will no longer engage in the business of buying and selling liquor. This section does not prevent the legislature from regulating, controlling, policing, or taxing the retail and wholesale sale of liquor. So many as shall be in favor of Mr. Jacobsen's motion, vote Aye. So many as shall be opposed, vote No. Have all the Delegates voted?

(No response)

CHAIRMAN GRAYBILL: Does any Delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: Cast the ballot.

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1	Aasheim	-	Nay	Choate	-	Absent
2	Anderson, J.	-	Aye	Conover	-	Absent
3	Anderson, O.	-	Nay	Cross	-	Nay
4	Arbanas	-	Aye	Dahood	-	Absent
5	Arness	-	Nay	Davis	-	Nay
6	Aronow	-	Absent	Delaney	-	Excused
7	Artz	-	Aye	Driscoll	-	Absent
8	Ask	-	Nay	Drum	-	Absent
9	Babcock	-	Nay	Eck	-	Nay
10	Barnard	-	Nay	Erdmann	-	Aye
11	Bates	-	Nay	Eskildsen	-	Absent
12	Belcher	-	Absent	Etchart	-	Nay
13	Berg	-	Aye	Felt	-	Excused
14	Berthelson	-	Aye	Foster	-	Absent
15	Blaylock	-	Nay	Furlong	-	Nay
16	Blend	-	Absent	Garlington	-	Aye
17	Bowman	-	Nay	Gysler	-	Nay
18	Brazier	-	Nay	Habedank	-	Nay
19	Brown	-	Nay	Hanson, R. S.	-	Aye
20	Bugbee	-	Nay	Hanson, R.	-	Nay
21	Burkhardt	-	Nay	Harbaugh	-	Absent
22	Cain	-	Aye	Harlow	-	Nay
23	Campbell	-	Absent	Harper	-	Nay
24	Cate	-	Absent	Harrington	-	Absent
25	Champoux	-	Aye	Heliker	-	Absent

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Holland	-	Aye	Reichert	-	Absent
Jacobsen	-	Aye	Robinson	-	Nay
James	-	Absent	Roeder	-	Nay
Johnson	-	Aye	Rollins	-	Absent
Joyce	-	Nay	Romney	-	Nay
Kamhoot	-	Aye	Rygg	-	Aye
Kelleher	-	Absent	Scanlin	-	Absent
Leuthold	-	Absent	Schiltz	-	Nay
Loendorf	-	Nay	Siderius	-	Nay
Lorello	-	Absent	Simon	-	Aye
Mahoney	-	Nay	Skari	-	Nay
Mansfield	-	Nay	Sparks	-	Nay
Martin	-	Nay	Speer	-	Nay
McCarvel	-	Aye	Studer	-	Aye
McDonough	-	Nay	Sullivan	-	Nay
McKeon	-	Nay	Swanberg	-	Absent
McNeil	-	Absent	Toole	-	Nay
Melvin	-	Nay	Van Buskirk	-	Nay
Monroe	-	Aye	Vermillion	-	Nay
Murray	-	Absent	Wagner	-	Nay
Noble	-	Nay	Ward	-	Nay
Nutting	-	Nay	Warden	-	Aye
Payne	-	Nay	Wilson	-	Nay
Pemberton	-	Nay	Woodmansey	-	Nay
Rebal	-	Nay	Mr. Chairman	-	Nay

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CLERK HANSON: Mr. Chairman, twenty Delegates voting Aye, fifty-three voting No.

CHAIRMAN GRAYBILL: Fifty-three having voted No and only twenty-three voting Aye, the motion is defeated. Are there other new sections to be added to the General Government section -- article?

(No response)

CHAIRMAN GRAYBILL: Very well, members of the committee, you have completed the consideration on general orders on Committee of the Whole on report number twelve of General Government. Mr. Brown, may I have a motion that this committee rise and report finally on the General Government proposal?

DELEGATE BROWN: I so move.

CHAIRMAN GRAYBILL: Very well, the motion is to rise and report finally on General Government. All in favor say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

CHAIRMAN GRAYBILL: So ordered.

(Proceedings reverted from Committee of the Whole to Convention, President Graybill in Chair.)

PRESIDENT GRAYBILL: Will the Clerk please read the title and signature of the Committee of the Whole report?

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CLERK HANSON: (Reading) March 18, 1972. Mr. President, we, your Committee of the Whole, having had under consideration report number twelve of the Committee on General Government, recommend as follows: That the Committee rise and finally report on the General Government article. Signed, Leo Graybill, chairman. (End reading)

PRESIDENT GRAYBILL: Mr. Brown, may I have a motion that the committee report may be accepted -- may be adopted -- Mr. Brown, may I have a motion that the committee report may be adopted and that the General Government proposal may be sent to Style and Drafting for inclusion in order of business number five?

DELEGATE BROWN: I so move.

PRESIDENT GRAYBILL: All in favor of adopting the committee report say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: So ordered.

Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman, that should be referred to Order of Business Number Ten, I think.

PRESIDENT GRAYBILL: Right. Right. The Chair will restate the motion. All in favor of accepting the report of the Committee of the Whole and referring it to Order of Bus-

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iness -- to Style and Drafting for reference back on Order of Business Number Ten, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

DELEGATE SCHILTZ: Mr. Chairman.

PRESIDENT GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: If I may, I would like to announce a Style and Drafting meeting at two o'clock tomorrow afternoon.

PRESIDENT GRAYBILL: Style and Drafting will meet at two o'clock tomorrow afternoon. Before we adjourn, Delegates, I have been asked to read this into the record: Delegates, we, the Pages, would like to thank you for being so kind to us this past week. We have really enjoyed serving you and getting to know each of you. It is our hope that our paths will meet again. Signed by about thirteen Pages, some of whose names I can't pronounce, but I'll give it to the journal. Now, ladies and gentlemen -- Mr. Brown, would you like to give us a motion for Monday?

DELEGATE BROWN: Mr. President, I move, pursuant to the general powers vested in the Montana Constitutional Convention, and in accordance with the provisions of section 7 (6) of the Enabling Act, the Montana Constitutional Convention shall recess temporarily until nine o'clock, A.M., on

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Monday, March 20, 1972.

PRESIDENT GRAYBILL: The motion is to recess the Convention until Monday at nine A.M. All in favor, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: So ordered, and thank you.

(Convention recessed at 7:05 o'clock, P.M.)

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DATE DUE

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S/342/C1t/v.11
Montana. Constitutional Convention, 1971-72
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